

for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of the International Brotherhood of Locomotive Engineers, Van Wert, Ohio, favoring the passage of Federal workmen's compensation bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Division No. 36 of Locomotive Engineers, favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of the St. Louis Screw Co., favoring the passage of the Burton bill (S. 7782) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Western Advertising Co., St. Louis, Mo., favoring the passage of the McLean bill, for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. BATES: Petition of W. C. Curtis, chief engineer, Division No. 43, Meadville, Pa., favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the president of the board of trustees of the Edinboro (Pa.) State Normal School, favoring the passage of Senate bill 3; for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. DICKINSON: Papers to accompany bill (H. R. 27458) granting an increase of pension to Robert A. White; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 14531) granting an increase of pension to Oliver White; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 28376) granting an increase of pension to Daniel Palmer; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of the National Drainage Congress, Chicago, Ill., favoring the passage of legislation to create a national drainage commission; to the Committee on Irrigation of Arid Lands.

Also, petition of the Crop Improvement Committee, Chicago, Ill., favoring the passage of a compromise bill for the Page and Lever agricultural bills, and suggesting an amendment to same; to the Committee on Agriculture.

Also, petition of the Meyer Bros. Drug Co., St. Louis, Mo., protesting against the passage of legislation reducing the duties on medical chemicals; to the Committee on Ways and Means.

Also, petition of J. H. Woolsey, the Couradee Chair Co., and Hy Siroky, of St. Louis, Mo., favoring the passage of House bill 25685, for the labeling and tagging of all fabrics and articles of clothing intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the St. Louis Public Library, St. Louis, Mo., favoring the passage of legislation extending the parcel post to include books, etc.; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation for removing creosote oil from the free list; to the Committee on Ways and Means.

Also, petition of the California Club, of San Francisco, Cal., favoring the passage of legislation making further appropriations for the suppression of the white slave traffic; to the Committee on Appropriations.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation providing for the collection of statistics of wealth, debt, and taxation as authorized by the permanent census act; to the Committee on the Census.

By Mr. FRENCH: Petition of citizens of Stites, Idaho, favoring the passage of legislation for establishing rural cooperative credit and banking associations; to the Committee on Banking and Currency.

By Mr. GOLDFOGLE: Petition of the executive council of the National Civic Federation, New York, favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Board of Trade and Business Men's Association, favoring the adoption of the Norfolk Navy Yard for the establishing of a dry dock; to the Committee on Naval Affairs.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget for changing the laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

By Mr. GOULD: Petition of the Past and Present Club, of Fairfield, Me., protesting against the passage of legislation tend-

ing to change the present national system of forest conservation; to the Committee on Agriculture.

By Mr. HINDS: Petition of Turner Grange, No. 23, Patrons of Husbandry, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. LEE of Pennsylvania: Petition of foreign-born naturalized American citizens, representing foreign societies of the borough of Shenandoah, Pa., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of John E. O'Brien and Ladislaus W. Schenk, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Brotherhood of Postal Workers, Denver, Colo., favoring the passage of legislation for increasing the salaries of the clerks in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

Also, petition of James E. March, New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Central Federated Union of Greater New York, protesting against the passage of House bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of citizens of California and of the Eschscholtzia Camp Fire Circle, of Escalon, Cal., favoring the passage of the Weeks bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. RAKER: Petition of Redwood Lodge, No. 239, Brotherhood of Locomotive Firemen and Enginemen, Eureka, Cal., favoring the passage of House bill 27016, requiring all locomotives being used in interstate commerce to be equipped with headlights of not less than 1,500 candlepower; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of California, favoring the passage of the Weeks bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the National Drainage Congress, Chicago, Ill., favoring the passage of legislation for the creation of a national drainage commission; to the Committee on Irrigation of Arid Lands.

By Mr. REILLY: Petition of citizens of Connecticut; the Italo-American Alliance of the United States of America, Philadelphia, Pa.; Panotti & Netta Co.; Doanto Larala; the Italians of Hartford, Conn.; Charles K. Johnson, publisher North Star, New York; Gabriel Dziadik and Alexander Horbal, Derby, Conn.; the Italian colony, Middletown, Conn.; and Leonardo Suzio, Meriden, Conn., protesting against the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Lincoln Park Study Circle, of South Pasadena, Cal., protesting against the passage of legislation tending to change the present national system of forest conservation; to the Committee on Agriculture.

By Mr. TILSON: Petition of the Connecticut Public Library, of Hartford, Conn., favoring the extension of legislation to include library books and material at the lower rate of transportation provided for by the parcel post; to the Committee on the Post Office and Post Roads.

## SENATE.

WEDNESDAY, February 19, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### EXPENSE OF DISTRIBUTION OF SEEDS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Agriculture, which will be read.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., February 18, 1913.

The honorable the PRESIDENT OF THE SENATE.

SIR: In accordance with Senate resolution No. 423, which was passed yesterday, I have the honor to transmit herewith a statement showing

the estimated cost of purchasing the different classes of seeds and plants for congressional distribution, the estimated cost of preparing same for distribution and delivery to the mails, and the total cost of packages of each class distributed for the last four years from 1909-10 to 1912-13, inclusive.

The cost of purchasing seeds and plants includes the purchase price, freight and drayage, inspection of growing crops, office salaries, equipment and supplies; the cost of preparing the seeds and plants for distribution and delivery to the mails includes rent of warehouse, cost of equipment and repairs, labor, bags, boxes, wrapping paper, twine, etc., and hauling to the post office or mail cars.

I am also inclosing two copies of a recent publication of the department which sets forth in detail the entire procedure in the handling and distribution of seeds and plants of this department.

I have the honor to be, sir,

Very respectfully,

JAMES WILSON, *Secretary.*

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Agriculture and Forestry and be printed.

#### IMMIGRATION OF ALIENS—VETO MESSAGE.

Mr. GRONNA. I ask unanimous consent that I may make a statement explaining my vote on yesterday.

The PRESIDENT pro tempore. The Chair hears no objection, and the Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, in view of what was stated upon the floor of the Senate on yesterday when the immigration bill and the veto of President Taft on this same bill were considered, I wish to say just a few words in order to make my position clear.

After reading Secretary Nagel's letter to the President, I became more firmly convinced than ever before that the President was justified in vetoing the bill.

But, Mr. President, I would not take up the time of the Senate to make even this short statement were it not for the fact that the senior Senator from Massachusetts [Mr. LODGE], in his able speech in favor of this measure, made what I consider at least an uncharitable remark and which, in my opinion, is a reflection upon those who disagreed with him. I wish to state, Mr. President, that, so far as I am personally concerned—and I state it most emphatically—I deny that the influence of any steamship company, or any other company, had any influence upon me in the views which I have had and which I still entertain.

Mr. President, I come from the great western empire, which nature seems to have especially blessed with broad areas of rich and fertile lands. I myself am numbered among those who first blazed the trail of civilization toward that great western empire. I am counted among those who suffered the hardships endured by the pioneer of the western plains, and I am glad to be recognized among that class of men of the great Northwest who fully realize that these vast areas, rich and productive as they are, can not and will not bring to mankind the happiness and such blessings as God in his wisdom intended they should have, unless we can secure more people who will help to develop the country and in return share in the latent values of that vast productive section of the United States.

In the State which I in part have the honor to represent we have more than 45,000,000 acres of productive soil, with only some 600,000 people to occupy them. I believe that I voice the sentiment of at least a majority of our people when I say that our strongest hopes and our most earnest desires are that men—strong, virile men—will come and enjoy the splendid opportunities which that great region affords. We welcome them no matter under what flag they may have been born. We are not afraid of their ignorance, because, after all, I believe all men have a higher instinct than the dumb animals and the tame brutes, and even they are very useful in our section of this country.

Mr. President, it is not my purpose to take up any more of the time of the Senate, but I want to say that I have received no communication whatever from my State requesting me to vote to override the veto of the President. On the contrary I have received letters and telegrams asking me to sustain the President in his veto. I hold in my hand a letter which is very brief, written by one of the best known, honorable, and distinguished citizens of my State, which I will read into my remarks:

GRAND FORKS, N. DAK., February 16, 1913.

DEAR SENATOR: I am glad to see President Taft vetoed the Dillingham-Burnett bill. I can not see the justification of it and I hope the Senate will not pass it over his veto.

Sincerely,

H. BENDER.

Mr. President, if I had believed that this bill, so far as the provisions upon which the President based his veto, would in any way better the condition of the laboring men of this Nation, no one would more gladly have joined in its support and asked for its enactment into law than I.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill

(H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 16127. An act for the relief of William Kaiser;

H. R. 19191. An act for the relief of Christian Hedges; and

H. R. 22939. An act for the relief of John K. Wren.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate a telegram from the secretary of state of the State of California, which will be read.

The telegram was read and referred to the Committee on Immigration, as follows:

SACRAMENTO, CAL., February 18, 1913.

PRESIDENT PRO TEMPORE UNITED STATES SENATE.

Washington, D. C.:

I am forwarding you herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Sanford.

"Whereas there is pending in the Congress of the United States House bill No. 13500, by Congressman JOHN E. RAKER, of California; and "Whereas House bill No. 13500 has for its object the extension of the Chinese-exclusion act so as to include all Asiatic laborers; and "Whereas there is a misapprehension in the East as to California's position regarding oriental immigration: Therefore be it

"Resolved by the Senate and Assembly (jointly) of the State of California, That we approve of the passage of House bill No. 13500 and request Congress to pass the same.

"Resolved, That the secretary of the senate be instructed to send a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

WALTER N. PARRISH.

Secretary of State.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of the Commonwealth of Massachusetts, transmitting resolutions adopted by the general court of that State favoring the establishment of an international commission on the cost of living, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolutions in favor of the establishment of an international commission on cost of living.

Resolved, That the general court of the Commonwealth of Massachusetts, believing that the world-wide increase in the cost of living and the possibility of a continuance of this increase for an indefinite period is a matter of great importance, and believing that an international commission on the cost of living should be appointed to meet the urgent need to find a scientific basis for any reforms in this respect which can be accomplished by legislation, hereby approves of the effort to bring about such an international commission.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Massachusetts.

In senate, adopted, January 31, 1913.

In house of representatives, adopted, in concurrence, February 6, 1913.

A true copy.

Attest:

FRANK J. DONAHUE,  
Secretary of the Commonwealth.

Mr. NELSON presented resolutions adopted by the State Dairyman's Association of Minnesota, remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented a petition of sundry citizens of Marion, Kans., praying that an investigation be made into the prosecution of the editors of the Appeal to Reason, published at Girard, Kans., which was referred to the Committee on the Judiciary.

Mr. PERKINS. I present a joint resolution passed by the Legislature of the State of California, remonstrating against the abolishment of the fourth internal-revenue district in that State. I ask that the resolution be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., February 18, 1913.

Hon. GEORGE C. PERKINS,

United States Senate, Washington, D. C.:

I am forwarding herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Boynton.

"Whereas the fourth internal-revenue district of California, with headquarters in Sacramento, and serving all the counties north of San Francisco to the Oregon line, and also the entire State of Nevada, was abolished on the 1st day of October last; and

"Whereas said district did an annual business of nearly \$800,000; and  
 "Whereas said district was also consolidated with the first collection district of California, with headquarters in San Francisco, which district was so large that the Los Angeles district was separated from it two years ago; and

"Whereas the loss of the fourth district will work injury to this section of California and Nevada without any corresponding benefit to the first district; and

"Whereas an amendment known as Senate amendment No. 68 to the House of Representatives bill No. 26680, providing for the reestablishment of the aforesaid fourth revenue-collection district of the State of California, has been approved by the Senate of the United States Congress, and now goes to conference: Therefore be it

*Resolved by the senate and assembly jointly,* That the Legislature of the State of California approves all of the provision of said amendment, and our Senators in Congress are hereby instructed and our Representatives requested to vote for and use every honorable means to secure the passage of said amendment to said bill; and be it

*Resolved further,* That copies of this resolution be sent by telegraph to each of our Senators and Representatives in the Congress of the United States."

WALTER N. PARRISH,  
*Secretary of State.*

Mr. PERKINS presented a joint resolution passed by the Legislature of California, favoring the extension of the Chinese exclusion law, so as to include all Asiatic laborers, which was referred to the Committee on Immigration.

Mr. CRANE presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the establishment of an international commission on the cost of living, which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a memorial of sundry citizens of Coldwater, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented resolutions adopted by the Granite State Dairymen's Association of New Hampshire, remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Farmers' Club of the Legislature of New Hampshire, praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

He also presented a resolution adopted by the Petworth Citizens' Association of the District of Columbia, favoring the proposed change of trackage of the Washington Railway and Electric Co. by continuing the Ninth Street railway service across the U Street railway to a proposed minor street and then east to Georgia Avenue, etc., which was referred to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Military Affairs, to which was referred the bill (H. R. 11627) to correct the military record of Barkley S. Denison, reported it without amendment and submitted a report (No. 1257) thereon.

Mr. DILLINGHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 21532) to incorporate the Rockefeller Foundation, reported it without amendment and submitted a report (No. 1258) thereon.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 18294) for the relief of John C. Sullivan, reported it without amendment and submitted a report (No. 1259) thereon.

Mr. BRADLEY, from the Committee on Pensions, submitted a report (No. 1252) accompanied by a bill (S. 8540) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 433. Eleanor P. Bigler.
- S. 2465. Arthur F. Shepherd.
- S. 4811. Margaret B. Sherman.
- S. 5175. La Salle Corbell Pickett.
- S. 5742. Petrona B. Freeman.
- S. 7454. Emma Z. Gilman.
- S. 7774. Mary Bottino.
- S. 7807. Ellen Barrett.
- S. 7921. James Tiernan.
- S. 7955. John Partello.
- S. 8061. James W. Ellis.
- S. 8064. John A. Lennon.
- S. 8234. Estelle H. Wholley.
- S. 8432. Frances P. O'Reilly.
- S. 8437. Lewis L. Daniel.

Mr. BRADLEY, from the Committee on Pensions, submitted a report (No. 1253), accompanied by a bill (S. 8541) granting

pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 426. Margaret Liddle.
- S. 1005. Laura Adam.
- S. 1852. Mary E. Smith, now Faught.
- S. 2262. Charles Hatfield.
- S. 3141. Emily B. Smith.
- S. 3323. Anna D. Pace.
- S. 3358. George W. Crosley.
- S. 3381. Elizabeth Lucken.
- S. 3979. Martha A. Shute.
- S. 4049. Demmie Inman.
- S. 4085. Charles Miller.
- S. 4080. Albert B. Cauby.
- S. 4092. Young S. Ingram.
- S. 4201. Franklin A. Work.
- S. 4454. Annie B. Campbell.
- S. 4500. Drusilla Peters.
- S. 4672. Gertrude Brown.
- S. 5020. Amos Spangler.
- S. 5099. Josiah D. Hunt.
- S. 5101. James P. Burdett.
- S. 5301. Benjamin F. Kent.
- S. 5315. James M. Brown.
- S. 5318. John V. G. Price.
- S. 5408. Jesse Sheets.
- S. 5409. Mark Clark.
- S. 5410. James L. Stroup.
- S. 5470. Brazil Van Deusen.
- S. 5524. Thomas J. Morris.
- S. 5533. William Harper.
- S. 5557. William T. Saylor.
- S. 5558. Frances A. Cox.
- S. 5564. James W. Ruff.
- S. 5565. John D. Thomas.
- S. 5704. Flora Annis.
- S. 5770. Sophronia Roberts.
- S. 5793. Henry A. Sheaff.
- S. 5800. Margaret Montgomery.
- S. 5977. Catharine Thomas.
- S. 5982. Henry M. Lavo.
- S. 6132. John D. Kirkpatrick.
- S. 6134. George W. Klise.
- S. 6139. Francis M. Oldridge.
- S. 6146. Sarah A. Winans.
- S. 6185. Charlotte B. Bentley.
- S. 6310. John M. Jarvis.
- S. 6320. Young Dougherty.
- S. 6325. William Worthington.
- S. 6343. George W. Wines.
- S. 6443. Charles Crismon.
- S. 6488. James W. Wachob.
- S. 6489. David G. S. Gochanaur.
- S. 6532. Franklin S. Curry.
- S. 6578. Robert C. Carr.
- S. 6584. Fanny Farley.
- S. 6705. Emily J. Walton.
- S. 6723. Josephus Brown.
- S. 6821. Barzilla B. Jones.
- S. 6979. Emma E. Myers.
- S. 7167. Rachel B. Purdy.
- S. 7286. Mary K. Munoz.
- S. 7413. William H. Moore.
- S. 7428. Lucy L. Norton.
- S. 7544. J. Jay Buck.
- S. 7604. Mary E. Lafontaine.
- S. 7626. George W. Stratton.
- S. 7736. Allen Meskimen.
- S. 7776. William H. Wheeler.
- S. 7820. Jefferson Hurst.
- S. 7869. David A. Byers.
- S. 7870. John N. Jones.
- S. 7872. James H. Ragsdale.
- S. 7910. Maria L. Bishop.
- S. 7912. Imogene Crissey.
- S. 7914. Henry A. Kelsey.
- S. 7946. Mary McClure.
- S. 7980. Isaac O. Foote.
- S. 8004. Ellen M. Pember.
- S. 8016. Stephen B. Woodruff.
- S. 8043. Mary E. Beach.
- S. 8044. John McCarthy.
- S. 8046. Anna Kennedy.
- S. 8070. Iselo Nicely.

S. 8100. Joseph M. Davis.  
 S. 8105. John M. Mower.  
 S. 8193. James E. Bacon.  
 S. 8194. John F. Yarnell.  
 S. 8199. Marthy E. Tracy.  
 S. 8219. William O. Steele.  
 S. 8238. Michael McDonald.  
 S. 8242. Johanna R. Busch.  
 S. 8263. Morton A. Pratt.  
 S. 8284. Mary R. Kendall.  
 S. 8287. James T. Mather.  
 S. 8301. Mary F. Nichols.  
 S. 8307. Martha J. Strayer.  
 S. 8309. George W. Brown.  
 S. 8325. Carrie A. Miller.  
 S. 8330. Leander Ledford.  
 S. 8338. Caleb E. Stewart.  
 S. 8341. Robert C. Jones.  
 S. 8343. William Oliver.  
 S. 8351. Daniel Eaton.  
 S. 8361. Mary E. Bennett.  
 S. 8367. Alice I. Simpson.  
 S. 8385. Asil N. Blanchard.  
 S. 8388. Thomas L. Collins.  
 S. 8392. Louisa M. Buchanan.  
 S. 8397. Otis Crawford.  
 S. 8401. Sarah Ann Kelly.  
 S. 8406. Mary E. Dow.  
 S. 8415. Jacob H. Gabbard.  
 S. 8425. George McPherson.  
 S. 8436. Mary A. Limbach.  
 S. 8446. William C. Jones.  
 S. 8448. Joseph Cook.  
 S. 8450. Kate Hoyberger.  
 S. 8481. Louisa Squires.  
 S. 8493. Emsey O. Young.  
 S. 8495. Elisha L. Ashley.

Mr. BRADLEY, from the Committee on Pensions, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1260);

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors (Rept. No. 1261); and

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 1262).

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 8377. A bill to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn. (Rept. No. 1264);

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes (Rept. No. 1263);

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia (Rept. No. 1266); and

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La. (Rept. No. 1265).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Pensions, which was agreed to.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, to which was referred the bill (S. 13) to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China, reported it with an amendment and submitted a report (No. 1267) thereon.

#### MISSISSIPPI RIVER BRIDGE, BELTRAMI COUNTY, MINN.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 8536) to authorize the construction of a bridge across the Mississippi River

in Beltrami County, in the State of Minnesota, and I submit a report (No. 1256) thereon. I ask for the present consideration of the bill. It will take but a minute.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MISSOURI RIVER BRIDGES.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 8538) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri, and I submit a report (No. 1254) thereon. I invite the attention of the Senator from Missouri [Mr. STONE] to the bill.

Mr. STONE. I ask for the present consideration of the bill just reported by the Senator from Virginia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MARTIN of Virginia. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 8539) to authorize the St. Louis Belt, Eastern Illinois & Traction Co. to construct a bridge across the Missouri River near the mouth of the Missouri River, and I submit a report (No. 1255) thereon.

Mr. STONE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RELIEF OF CERTAIN CITIZENS IN EL PASO, TEX., AND DOUGLAS, ARIZ.

Mr. O'GORMAN. On behalf of the Committee on Foreign Relations, I report back favorably, without amendment, the bill (S. 8195) granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz. I ask the attention of the junior Senator from Arizona [Mr. SMITH] to this report.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I shall not object to the consideration of this bill, but I wish to say that I shall object to the consideration of further bills this morning.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It appropriates \$71,000, to be paid to the following-named persons in the amount specified to each, for injuries sustained by shots fired across the American boundary line by soldiers and revolutionists on the Mexican side of the line in the year 1911, to wit: Adolfo Varela, of El Paso, Tex., \$3,000; Virginia Moorhead, of El Paso, Tex., \$3,000; Abundio Soto, of El Paso, Tex., \$4,000; Edwin G. Heaton, of El Paso, Tex., \$2,000; Celia Griffiths, of El Paso, Tex., \$15,000; A. R. Chandler, of El Paso, Tex., \$12,000; Emma Larson, of Douglas, Ariz., \$1,000; Elmer E. Crowe, of Douglas, Ariz., \$5,000; Francis F. Williams, of Douglas, Ariz., \$5,000; John W. Keate, of Douglas, Ariz., \$4,000; Joseph W. Harrington, of Douglas, Ariz., \$15,000; William R. White, of Douglas, Ariz., \$2,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 8542) granting an increase of pension to Alexander Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER (for Mr. TOWNSEND):

A bill (S. 8543) to provide for the erection of a public building in the city of Boyne City, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 8544) granting an increase of pension to Lucy M. Martin; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8545) granting an increase of pension to Albert L. Church (with accompanying papers);

A bill (S. 8546) granting an increase of pension to Bridget D. Farrell (with accompanying papers);

A bill (S. 8547) granting an increase of pension to Elizabeth J. Braman (with accompanying papers); and

A bill (S. 8548) granting an increase of pension to Carrie E. Hartwell (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 8549) authorizing the President of the United States to appoint certain persons in the Regular Army and place them upon the retired list; to the Committee on Military Affairs.

(By request): A bill (S. 8550) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent; to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 8551) granting a pension to E. H. Maxfield, alias Hiram Maxfield (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD (by request):

A bill (S. 8552) to provide for making loans to individual Indians belonging to the Cheyenne River Indian Reservation in South Dakota from tribal Indian funds and upon approved securities under rules and regulations of the Department of the Interior; to the Committee on Indian Affairs.

By Mr. DU PONT:

A bill (S. 8553) granting a pension to Lurana M. Lowe (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 8554) for the purchase of a site and the erection thereon of a post-office building at Clinton, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. BRYAN:

A bill (S. 8555) to amend section 8 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on Post Offices and Post Roads.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate \$100,000 for the purchase of a site and the erection thereon of a post-office building and other offices of the Government at Phoenixville, Pa., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$75,000 for a United States post office at Valley City, N. Dak., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate \$75,000 for a United States post office at Jamestown, N. Dak., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate \$75,000 for the purchase of a site and the erection thereon of a United States post office and other Government offices at Walden, N. Y., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. NELSON submitted an amendment authorizing the Supreme Court of the District of Columbia, upon petition and motion duly made by the Secretary of the Interior, or by the contractor, after having first given notice of such motion to the parties in interest, to inquire into, hear, and forthwith determine the fulfillment of the contract of December 17, 1903, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate \$10,000 for an investigation of the range caterpillar, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. THOMAS submitted an amendment authorizing the Secretary of the Interior to enroll Tilla A. Provost and her son Harold Provost upon the rolls of the Nebraska Winnebago Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and to be printed.

Mr. MYERS submitted an amendment proposing to increase the appropriation for administration and improvement of Glacier National Park, Mont., from \$75,000 to \$188,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BROWN (for Mr. HITCHCOCK) submitted an amendment proposing to appropriate \$75,000 for a United States post office at Falls City, Nebr., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. LODGE submitted an amendment relative to the survey of Malden River, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for a preliminary survey of Lynn Harbor and the Saugus River, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to appropriate \$20,000 for the purchase of a site for a public building at Paseo, Wash., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate \$150,000 for a public building at Vancouver, Wash., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment increasing the limit of cost of the public building at Everett, Wash., from \$120,000 to \$350,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate \$150,000 for a public building at Wenatchee, Wash., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate \$1,500,000 for a United States post-office building at Pittsburgh, Pa., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate \$75,000 for a United States post-office building at Albany, Ore., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CRANE submitted an amendment providing that section 1243 of the Revised Statutes of the United States be made applicable to the commissioned officers of the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to appropriate \$60,000 for the purchase of a site and the erection of a Federal building at Fallon, Nev., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate \$65,000 for the purchase of a site and the erection of a Federal building at Winnemucca, Nev., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$50,000 for the extension, alteration, and improvement of the public building at Concord, N. H., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate \$300,000 to commence the construction of a modern fireproof hospital building for the treatment of diseases peculiar to women and a lying-in-asylum, to replace the present building of the Columbia Hospital for Women and Lying-in Asylum, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### THE ROCKEFELLER FOUNDATION.

Mr. CULBERSON. From the Committee on the Judiciary I submit the views of a minority on the bill (H. R. 21532) to in-

corporate the Rockefeller Foundation, which I ask may be printed.

The PRESIDENT pro tempore. The report (No. 1258, part 2) will be received and printed.

#### WITHDRAWAL OF PAPERS—RICHARD L. MILLER.

On motion of Mr. MARTIN of Virginia, it was

*Ordered*, That the papers accompanying the bill (S. 2043) granting a pension to Richard L. Miller, Sixty-second Congress, first session, may be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### INDIAN APPROPRIATION BILL.

Mr. GAMBLE. Mr. President, I give notice that following the disposition of House bill 28180, known as the river and harbor bill, I will ask the Senate to consider House bill 26874, the Indian appropriation bill.

#### POST OFFICE AT BRISTOL, VA.

Mr. LEA submitted the following resolution (S. Res. 466), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Postmaster General be directed to transmit at once to the Senate all petitions, both for and against the establishment of a post office at Bristol, Va., and also reports of post-office inspectors detailed to make an investigation thereof.

#### INCITEMENT OF INSURRECTION IN MEXICO.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 467), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Committee on Foreign Relations was authorized and directed by resolution agreed to by the Senate on July 26, 1912, to inquire, investigate, and report whether any associations, corporations, or other interests in the United States are encouraging rebellions in Cuba or Mexico; and

Whereas said committee was directed to report the result of its investigation and inquiry to the Senate during the first month of the third session of the Sixty-second Congress; and

Whereas it has been impossible to complete the inquiry and investigation in the time specified: Therefore be it

*Resolved*, That the Committee on Foreign Relations be, and is hereby, authorized and directed to continue such investigation and submit its report to the Senate not later than at the beginning of the next regular session of Congress.

#### WATER SUPPLY OF COLORADO SPRINGS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the matter proposed in amendments numbered 1 and 2, on line 19, page 6, after the word "Agriculture" strike out all down to and including the word "Manitou," in line 20, page 6, and insert in lieu thereof the following: "at the expense of and in cooperation with the city of Colorado Springs and the town of Manitou, said expense to be borne and paid by said city of Colorado Springs and town of Manitou in proportion to the number of acres reserved for the respective use of each of said municipalities."

In lieu of the matter proposed in amendments numbered 3, 4, 5, and 6, strike out all of section 5 of the act and insert in lieu thereof the following:

"Sec. 5. That this act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof."

REED SMOOT,  
S. GUGGENHEIM,  
FRANCIS G. NEWLANDS,  
*Managers on the part of the Senate.*  
JAMES M. GRAHAM,  
EDWARD T. TAYLOR,  
ANDREW J. VOLSTEAD,  
*Managers on the part of the House.*

The report was agreed to.

#### HOUSE BILL REFERRED.

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

#### CHARLES DUDLEY DALY.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 7747) for the relief of Charles Dudley Daly.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of

the bill named by him; which will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles Dudley Daly to the grade of first lieutenant of Field Artillery, United States Army, to take rank on the list of first lieutenants of Field Artillery next after the name of Charles P. Hollingsworth, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

Mr. BRISTOW. I want time to consider that bill, Mr. President, and I object to its present consideration.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. All right, if objection is made.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of the District appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The PRESIDENT pro tempore. The pending question is upon the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. CURTIS. Mr. President, I ask unanimous consent to go back to page 57 and to take up in their order the amendments which were passed over. I think that would be the better course.

The PRESIDENT pro tempore. Is there objection to the suggestion of the Senator from Kansas? The Chair hears none.

Mr. POMERENE. Mr. President, I take it that that is without prejudice to the amendment which I have offered?

Mr. CURTIS. Certainly.

The PRESIDENT pro tempore. The first committee amendment passed over will be stated.

The first committee amendment passed over was, on page 57, after line 13, to insert:

Toward the construction of a new Central High School on the site purchased for that purpose and toward the grading and other work necessary to prepare the site, the grading of an athletic field, the construction of retaining walls, and the construction of an athletic stadium, and the total cost of said work shall not exceed \$1,200,000 under contracts which are hereby authorized therefor, \$300,000.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. NEWLANDS. Mr. President, the Senator from Georgia [Mr. SMITH] took special interest in that amendment, and I do not see him here.

Mr. CURTIS. Mr. President, in view of the objection that was made and the fact that the item was passed over at the suggestion of the Senator from Georgia [Mr. SMITH], who is occupied at the rear of the Chamber, I suggest that we wait until he is ready to have it taken up.

The PRESIDENT pro tempore. The amendment is before the Senate.

Mr. SMITH of Georgia. Mr. President, I hope the Senate will not adopt that amendment. I really think it is subject to a point of order. In connection with expressing my objection to the amendment, I wish to call attention also to the point of order.

This high school is to be built at a cost of a million and a half of dollars; it is to be built large enough to accommodate 2,500 pupils. I think a high school of such size unwise, both from an educational and an economical point of view. I think it is unwise from an educational standpoint, because in a location like the city of Washington, where there is so much space which is not dear all around the city, it would be far better to gather the children into smaller schools outside the city or near the suburbs than to undertake to concentrate so many of them in a central school in the center of the city.

One of the evils to be resisted in all public-school systems is the elimination of the individuality of the child. It is difficult, where you gather so many together under a single roof, to preserve the personality of the individual child in the training given to the individual child, and as you increase the number under the single roof you increase the difficulty. I believe it is far better for the boys and girls in the city to have a number of schools, none of them with more than 300 or 400—with 400 as the limit—scattered around the city, than to undertake to bring 2,500 into the city, putting them all in a single school. I am therefore opposed to it from an educational standpoint.

Mr. President, we already have three high schools in this District—the Central High School, accommodating about a

thousand pupils; the Eastern and the Western High Schools, carrying the number of high-school children up to about 1,900. The Central High School is not now crowded; it has room for more children. The Eastern and Western High Schools are crowded; the smaller schools are crowded. The Central School has unoccupied space. Now, we propose, with three schools that take care practically of the present boys and girls of the city, to begin building a new high school to accommodate 2,500—600 more than the entire present high-school population of the whites of the city.

It is unwise from an economical standpoint, because the bill proposes to spend a million and a half dollars and to finish the school by the end of three years. If we would take the \$300,000 appropriated at present by this bill and add one high school to accommodate about 400 children we would accommodate all that the present demands of the city require for additional space for two or three years more. We could build it at once; we would not have to wait three years to finish it; we could build it next year, or even this year; we would certainly be ready for it by the fall of next year.

Mark you, this new school will not relieve the present pressure. It will not be finished for three years. If we build one to accommodate 400 children and finish it next year, we would then next year begin to relieve the pressure; we would accommodate all the wants of the city and have space for at least 200 children more than the pressure which is now upon the city.

Mr. WILLIAMS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. I do.

Mr. WILLIAMS. I want to ask the Senator from Georgia if he proposes to offer an amendment to the committee amendment substituting for that provision one or two high schools? It seems to me if the Senator from Georgia were to offer an amendment substituting for the proposition two high schools at such places as the Commissioners of the District or the board of education might designate, at \$750,000 each, he would be occupying stronger ground than by merely opposing the amendment of the committee without offering anything in lieu of it.

Mr. SMITH of Georgia. I have an amendment which I shall present a little later on. We do not need two high schools at a cost of \$750,000 each. Our existing three high schools accommodate the 1,900 high-school children of the city. The Central High School is not full, and the two others are a little overcrowded. One additional high school, to accommodate 400 children, would amply care for the wants of the city now and for several years to come. At the end of two or three years we should build another of about the same character. A school that will accommodate 400 can easily be built and the ground bought for \$300,000.

I desire to repeat that we have now 1,900 pupils in the high schools; that the Central High School is not crowded; and that the two other schools are just accommodating all the children, but are a little crowded. I have here the report of the managers of those high schools, stating that they are still doing splendid work, although they want some additional school room, and that their only desire is to have them built right in connection with their present schools. My own view would be that we ought to build one more high school.

In addition to the three high schools, we have the manual-training school. We have recently enlarged its space, and the manager of that school says he is doing admirably. Work is now going on to increase the capacity and space of the manual-training school, and, with the completion of this additional work, his report shows that he will have ample facilities.

Mr. President, there is no provision of law for the erection of this high school. On the precedents that I find I believe a point of order could be made upon the amendment; but I am anxious to see the school facilities of Washington thoroughly cared for, and so I do not desire to press my objection in the shape of a point of order. I offer, however, the following substitute for the committee provision:

For the construction of a new high school, the site and plans for the same to be determined by the chairmen of the District Committees of the House and Senate, together with the Commissioners of the District, the total cost, including the site, not to exceed the amount of this appropriation, \$300,000.

Mr. SMOOT. Mr. President, I should like to ask the Senator if a site has not already been purchased for the proposed new high school?

Mr. SMITH of Georgia. That would be a delightful place to put it on.

Mr. SMOOT. Perhaps I misunderstood the amendment suggested by the Senator, and I will ask him to read it again.

Mr. SMITH of Georgia. The amendment, as I have drawn it, authorizes the commissioners and the chairmen of the House and Senate District Committees to purchase a new site, if they so prefer, but it does not require them to do so. What I had in view was to leave it to their discretion, either to use the present site or to locate the new school elsewhere, if they thought best; in which event, if Congress saw fit, the present site could be disposed of.

Mr. SMOOT. I was wondering what the idea of the Senator was in relation to the site that we have already purchased. The Senator no doubt knows that we have purchased a site opposite the Garfield Hospital for the high school.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Costing something less than \$300,000.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Does the Senator now by his amendment propose to give the District of Columbia Committees of the two Houses authority not to use the site purchased, but to purchase another one?

Mr. SMITH of Georgia. Yes. I think an entirely satisfactory site can be purchased for \$30,000, but, of course, it would be farther out. I believe it is better to put a school of this kind farther out. I believe a location as far out as, or a little farther than, the National Cemetery, would be better for a boys' high school than inside the city. If the Senate prefers to have it placed on the lot which has already been purchased, I have no objection to that, and I will be entirely willing to modify my amendment to that effect.

The real point that I sought to press was my opposition to putting up a school for twenty-five hundred students, for two reasons: First, because such a school is objectionable from an educational standpoint; and, second, because it is objectionable from an economic standpoint. A school for 400 can be finished, and will care for the wants of the District for several years to come, and then, a few years later, that could be supplemented with another school to accommodate 400, and another accommodating 400 a few years after that, rather than to adopt the policy of housing 2,500 pupils in one school; and when that is full, what then? A general system of enlargement in reasonable size nearer the people will be better for the children and for the city.

Mr. CLARK of Wyoming, Mr. SMITH of Maryland, and Mr. NEWLANDS addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Georgia yield?

Mr. SMITH of Georgia. The Senator from Wyoming first rose; and I yield to him.

Mr. CLARK of Wyoming. I should like to ask the Senator, if he has the information, how many pupils per annum pass out from the lower grades into the high-school grades?

Mr. SMITH of Georgia. I have not that exact information. Of course, we understand that as they reach the higher grades of the grammar schools they fall off largely.

Mr. CLARK of Wyoming. Yes; but I was asking, with a view to settling it in my own mind, whether the addition of space for 400 pupils annually would accommodate all those who desire to enter the high schools?

Mr. SMITH of Georgia. I feel perfectly sure that that is true. Up to this time, in the entire history of the city, there have been only 1,900 pupils in the high schools in any one year.

Mr. CLARK of Wyoming. Can the Senator inform us as to the number of years in the high-school course?

Mr. SMITH of Georgia. I think it is a course of four years.

Mr. SMITH of Maryland. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Maryland. I wish to ask the Senator from Georgia whether he does not think the site we now own, which has been purchased for this school, would be too expensive a site for the school he proposes?

Mr. SMITH of Georgia. That was the view I had.

Mr. SMITH of Maryland. Would not the plan suggested by the Senator altogether do away with the site that has been purchased by the city? What would the Senator do with that site?

Mr. SMITH of Georgia. Was it purchased by the city?

Mr. SMITH of Maryland. By the Government, I mean.

Mr. SMITH of Georgia. I think that site could be sold and several sites of proper size could be bought on which schools could be erected that would accommodate 400 pupils each. I am sure if the Senator from Wyoming will turn to the report of the school board he will see that the increase in the high schools is at the rate of about 100 a year.

Mr. CURTIS. Mr. President, will the Senator permit me to interrupt him?

Mr. SMITH of Georgia. Certainly; I wish the Senator would do so.

Mr. CURTIS. I have a statement from the superintendent showing that there are about 500 new pupils a year for the different high schools.

Mr. SMITH of Georgia. That is not the increase, I am sure.

Mr. CURTIS. At the present rate of growth there will be 1,600 in three years prepared for the new high school. That would be an average of a little over 500 a year. The Senator must bear in mind that in addition to the high school he has referred to—although I did not intend to interrupt him—

Mr. SMITH of Georgia. I am glad to be interrupted.

Mr. CURTIS. I had intended to make this statement later. In addition to the school referred to by the Senator there are four other schools that are well crowded that would feed these two new schools. I shall call attention to those later on.

Mr. SMITH of Georgia. I should be glad to have the Senator give me the exact number of pupils who went into the high schools last year.

Mr. CURTIS. I can not do that at this time. I have sent for that information.

Mr. SMITH of Georgia. Mr. President, the number who go up from the grammar schools does not constitute the test of the increased pressure upon the high schools each year. There are a number who enter the high schools and drop out of them every year. The proper mode of determining the increased pressure each year is to go back to last year and see how many were in the high schools then and how many the year before and how many the year before that. You can not add to your high-school estimate the number who could go up from the grammar schools each year.

Mr. CLARK of Wyoming. Mr. President, that is the exact knowledge I was seeking. Knowing that the Senator from Georgia had made a study of this matter, I supposed he could give it to the Senate without delay.

Mr. SMITH of Georgia. I have not the exact figures in my mind; but the increase during the past five years, as I recall it, is about 600 in these three high schools. I may be inaccurate, but my recollection is, not having directed it particularly to the subject, that the increase was about 600 in the past four or five years. If the claim that the high schools increase over 500 each year were true, the entire number now in the high schools would be accounted for in three years. I looked into the matter sufficiently to satisfy myself that an increased facility now of 400 would take care of the high-school children for three or four years, while the large high school that is proposed will do nothing to relieve the situation for three years.

The objection to the committee's plan is that it furnishes accommodations so far off, and then of such very large size, when the more economical plan is to build more frequently and to build smaller high schools. In 12 months you can build a suitable high school for 400 children, and every few years build again to meet promptly a growing demand and yet do so with a much smaller expense. You will have the further advantage, which, to my mind, is, or should be, conclusive, that you will not be undertaking to pack 2,500 boys and girls of high-school age in a single place, when in this city there is so much space all around near at hand, and it is so much better, instead of concentrating them in the center of the city, to move them out away from the center, where more space and fresher air and less central city surroundings bear upon them, and where the opportunity for individuality is just as much more as 400 is less than 2,500.

Mr. CURTIS. Mr. President, in the appropriation bill approved March 2, 1911, I find the following provision:

For purchase of site for a new central high school, approximately 400,000 square feet, to be located north of Q Street, north and west of Tenth Street west, \$250,000.

In the appropriation act of 1912 I find the following, and this is what controlled the committee, in addition to the study that has been given this question by the members of the committee:

The Commissioners of the District of Columbia are hereby authorized to use so much as may be necessary of any unexpended balances remaining in the appropriations for the purchase of a site for a new Central High School, and for the purchase of a site for a new M Street High School, contained in the District appropriation act for the fiscal year 1912, \* \* \* for the employment of architectural services in the preparation of plans and specifications for said high schools, and for such other personal services and expenses in connection therewith as may be necessary: *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils.

The number was fixed after a very thorough examination. There were hearings lasting for several days, and those who favored the small schools were heard. Many recommended what has been advocated here to-day by the distinguished Senator from Georgia [Mr. SMITH]—the 400 plan. But after a careful consideration, and hearing the leading educators, and giving the case most careful consideration, the committee of 1912 agreed upon the 2,500 plan, and so put it in the act of 1912; and that is the law to-day.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. The Senator does not mean that there is any general statute fixing that as the rule, does he?

Mr. CURTIS. Oh, no. I say that the law of 1912 authorized the plan of a school for 2,500 pupils, as I have stated.

Mr. SMITH of Georgia. Is not this all it does? Does it not simply authorize the preparation of plans for such a school—

Mr. CURTIS. That is true.

Mr. SMITH of Georgia. One moment. But does that become any more the law binding on us than if a private citizen allowed an architect to get up plans for him for a house of a certain kind, and afterwards determined not to build that kind of a house? Does the act of 1912 settle the size of the school or constitute the rule of law as to the school any more than the mere fact that a private citizen allows an architect to get up a plan for a house for him makes it necessary for him to build such a house?

Mr. CURTIS. Mr. President, that act is binding only to this extent: There is written into the appropriation act the expression of the opinion of the Congress which adopted the report of a committee, made after careful consideration, that the large-school plan is better than the small-school plan. Of course, the Congress has the right to reduce the size of the school if it sees fit. I have simply called attention to the act to show that, after careful consideration, the number was fixed at 2,500.

I find, upon looking over the statistics of larger cities, that there are in the United States over 18 high schools that provide for the accommodation of from 1,600 to 3,200 young men and young women in each. In this city we have in the Central High School 1,130 pupils, and it has a seating capacity of only 1,274; so it will be seen that there is not room for many more pupils there. In the Eastern High School we have 417 pupils, and there is a seating capacity of 464. In the Western High School we have 648 pupils, with a seating capacity of 698. In the Business School, which is sometimes called the Business High School, and is commonly known as the Business High School, we have 1,147 pupils, with a seating capacity of 1,183. In the McKinley School, a technical school which is sometimes designated as a combination school, we have 947 pupils, with a seating capacity of 1,112.

In the colored schools we have the following: The M Street High School has a seating capacity of 786, with an attendance of 788, so that school is now overcrowded. In the Phelps Building, the business division for colored children, we have 219 students, with seats for 224. In the Armstrong Technical School there are 515 pupils, with seating capacity for 532.

It has been estimated that this new building could be completed in three years. Of course the other school, in the item following, for the colored children can be completed in a shorter time. I am advised by the officers of the school board that with the natural growth there will be in three years 1,600 more pupils ready to enter these schools.

There is no question but that new schools will be needed, and of course it is a question of policy as to whether in the item providing for the high schools the Senate will follow the recommendation of the committee and provide for 2,500 pupils, or whether it will change the whole plan and waste the money that has been used in the purchase of an excellent site.

Mr. SMITH of Georgia. Mr. President, will the Senator permit me to ask him a question?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Did we pay more than that site was worth?

Mr. CURTIS. Not at all.

Mr. SMITH of Georgia. Then, can it not be sold for what was paid for it?

Mr. CURTIS. Oh, probably it can be sold; yes.

Mr. SMITH of Georgia. Then the money would not be wasted.

Mr. CURTIS. The Senator knows it is pretty hard to get authority to sell Government property—property lying vacant, as there is lot after lot in the city of Washington owned by the Government vacant to-day, and buildings owned by the Govern-

ment unoccupied by Government offices. The Government is not expeditious in selling the property it accumulates. Here we have presented this question: One of the best architects in the preparation of plans and specifications for school buildings has been employed; plans and specifications have been prepared by him, and, I understand, have been adopted.

I hope the Senate will adopt the recommendation of the Senate committee, and will vote down the amendment offered by the Senator from Georgia.

Mr. NEWLANDS. Mr. President, I am quite in sympathy with the Senator from Georgia [Mr. SMITH] in his view regarding large schools. I do not believe any single school should involve so large a membership as 2,500. I believe the limit should be 500, and I believe in every case there should be ample accommodations in the way of playgrounds. But the difficulty in this case is that we have already entered upon a scheme for the construction of a high-school intended to accommodate 2,500 pupils; we have already gone to an expense, I believe, of \$300,000 in securing an appropriate site for that school; and we have further secured plans, based upon the authorization of Congress, for a school involving a membership of 2,500.

I saw some time ago the plan of that school, and I must say it is one of the most attractive plans I ever saw. It will be an ornament to the city of Washington, and I have no doubt it will meet every requirement of scientific modern education.

That plan, as I recall, contemplated a central building with two wings. I assume that each one of these three structures, if we may so term them, will accommodate about one-third of the total number of 2,500. Inasmuch as we have thus far been committed to this plan, and have secured the site, I should doubt the wisdom of abandoning it altogether and substituting a smaller school of only three or four hundred pupils, and purchasing a site for that school.

It seems to me it would be profitable, if it could be done, to provide in this bill not for the foundation, as the bill provides, of the entire structure for 2,500 pupils, but to provide for the completion of the central portion of the structure already designed. The legislation sought for in the bill evidently has in contemplation horizontal sections extending over the entire ground space to be covered by the school when finally completed. The bill carries an appropriation of only \$300,000 out of a total contemplated appropriation of \$1,200,000 for the entire building. If we could construct the building in vertical sections instead of horizontal sections we could finish the central portion of the building within a year or two and have its use. We could build right up to the roof the entire central structure and have it for use within a year or a year and a half, leaving the two wings to be built hereafter; whereas if we make a horizontal section it means that we will expend this entire appropriation of \$300,000 practically in the foundations of the building without having any portion of it available within a year or so for immediate use.

I ask the Senator in charge of the bill whether it would not be possible to provide a change in the mode of construction in such a way as to devote \$300,000, or perhaps even an enlarged sum—\$400,000—to the construction of the middle section of the building, leaving the wings to be constructed hereafter.

Mr. CURTIS. Offhand I would dislike to answer that question, but I will state that that matter could be looked into, the officers could be called before the conference, and we might remodel the amendment not to exceed the appropriation of \$300,000. We would have no right in the conference to go beyond that amount, but we could provide that a part of the structure should be built first and then go on with the balance. That could be done, if it is found to be advisable, but I can not say whether it is advisable because I do not know.

Mr. NEWLANDS. I can understand, of course, that the Senator would not be able to commit himself upon that subject without expert advice, but I suggest that without exceeding the limit of \$300,000 it would meet the necessities of the case. Assuming that the cost of each one of the structures would be about equal, and the middle section would cost about \$300,000, we could appropriate that amount, and I imagine that it would be completed within a year.

I wish to say further, Mr. President, on this subject that I have observed for some time the contentions that have been going on regarding the public-school system of the District of Columbia. I believe in the suggestion which has been made by the Commissioners of the District that we should substitute for an inept board of education, selected from among citizens of the District, and most reputable citizens I am sure they are, an expert in education as the director of education in the District, to be selected as the other employees of the District are, by the District Commissioners, and to possess

certain qualifications, and that we should give to the director the aid of an expert board composed of the best educators in the country and experts in education, for we know that education is now becoming a science in all the things that relate to the structure of buildings, the opportunities for ventilation, and so forth, and those subjects are securing the undivided attention of experts just as much as the engineering profession or the architects' profession, or any other profession.

It seems to me that we ought to establish a model system in this particular in the District of Columbia. I would feel very much surer in following the advice of a trained and expert director of education with the advice of such a board rather than the advice of a school board selected at random amongst the citizens of a great city, however excellent the membership of that board might be in the character of its citizenship.

I trust that at some time the District Committee or the Committee on Appropriations will insert in the proper bill legislation upon this line. I think with reference to this matter, if we can, we ought to take decisive action in favor of the suggestion of the Senator from Georgia, and we should at present limit the membership of this school to at least one-third of the number contemplated and provide accommodations for them. I do not object to having a \$300,000 base for a \$1,200,000 structure provided the grounds are adequate for the recreation of the school children.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him there?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Georgia. Listening to the Senator's suggestion, I have drawn this little resolution, which perhaps would meet the situation:

*Resolved*, That a commission composed of two Senators and two Representatives be appointed by the Committees on the District of Columbia to report at as early a date as practicable upon the problem of increased high-school facilities for the District. Said commission shall have authority to take advice from experts on the subject; and an appropriation of \$5,000 is hereby made, to be immediately available, for the expenses of the commission.

Mr. NEWLANDS. I would not wish to delay the immediate commencement of the building that is required to meet the increasing demands of the District for high-school instruction. The amendment which the Senator suggests would create that delay. It seems to me we should take some action now that will probably enable the committee to take the whole matter up in such a way as to meet the present demands and at the same time meet what I regard as a very wise suggestion of the Senator from Georgia.

Mr. SMOOT. Mr. President, I have given considerable attention to the evidence that was taken before the subcommittee of the House Committee on Appropriations. I wish to say to the Senator from Georgia that, judging from the evidence, the whole trend of education is toward larger numbers in the high schools. I notice in the testimony that was given that Mr. Ittner, the recognized leader as an architect of school buildings in America, testified that the trend is toward larger high-school buildings, not only as a matter of economy but for efficiency as well. He calls attention to the fact that all the plans he has drawn for high schools of late—and mentions the ones in St. Louis, Minneapolis, and Cleveland, Ohio, and a number of them in the State of New York—are larger in size in order to accommodate a larger number of children in the high schools.

I notice a description of the building in the testimony, and it is as follows:

The building is built in the shape of a large square with two central courts. These courts are 40 by 80 feet and serve to light the interior of the building. The auditorium lies between the courts and the class rooms, and laboratories are placed around the perimeter of the building, where the natural light will never be impaired. There are eight stairways arranged in double flights at the intersection of the main and secondary corridors. Thus each stairway falls into service for a definite group of rooms, providing for rapid circulation, which is an important thing in a large high school when the classes are changing from room to room every 45 or 50 minutes. The auditorium has a capacity of 2,000, and it is planned so that it can be brought into use for large choruses, symphony productions, class drills, and graduating exercises—in fact, to give the maximum of service for high-school uses as well as arranged for evening lectures and concerts, should the board elect to put it to such uses. The entrances are arranged for ease of exit and circulation, and the shops, you will notice, are arranged in wings along the rear of the building, so that they may be built or not, just as you see fit.

Then further the testimony shows that the plans are such that any part of the building can be built at a time and added to afterwards.

In all the cities of the country the larger high schools are the rule to-day, and that is the trend of our educational system from one end of the United States to the other, and not the small schools. In the large schools the student does not lose his individuality. I think if there were going to be any change

made in our high-school system in the District of Columbia, the young ladies and the young men should be taught separately, in separate buildings. I think if we were going to make any change at all in this bill it should be along this line.

Mr. SMITH of Georgia. I agree with the Senator fully on that point.

Mr. SMOOT. But, Mr. President, as provided for in this bill, the building is to be one of the most beautiful structures, the best-arranged schoolhouse that is to be found in any part of the United States. It will be a credit to the District of Columbia, and not only that, but I believe it will be for the best interests of every student who attends, because I think the efficiency in such a school will be greater than if it were divided up into smaller schools.

I sincerely trust that the Senate will support the Committee on Appropriations of the Senate in placing this provision in the bill.

Mr. WEBB. Mr. President, it is not what a teacher teaches but what he inspires his pupils to learn that makes an efficient teacher. Personal contact and personal intimacy are the indispensable elements of a great teacher. When great multitudes of children are massed under one superintendent personal contact, the chief element of success in a teacher's work, is eliminated. In a 10-month session, 5 days to the week, there are only 200 school days in a whole year. One-half hour a day with private interviews with pupils will give only one hour to each pupil for the year, two interviews each. A school should be a well-regulated family. This is impractical when great multitudes are mechanically, and not personally, disciplined. I can conceive of no greater question in this District than a proper provision for our greatest asset—our children. The greatest need of our people is a reform in the schools. No other profession but that of the teacher is under the exclusive control of those who have no experience in a school except as a pupil. The ripe experience of the profession for that reason is not available.

Life is but an opportunity; to the ignorant the avenues to its satisfactions are closed; to the scholar these avenues are open. The scholar is not the mechanically taught but the personally inspired.

The greatest value of my schooldays from the beginning to graduation was the inspiration that came from contact with great personalities that were made possible by small bodies of students. That inspiration often comes outside of the schools. Then we have great men without the aid of the schools. The inspiration is the essential and only essential. Great masses of students tend to become a machine with lesson hearers and no teachers. With my views, I think it unwise to concentrate more than 2,000 pupils under one management. I have no objection to the size of the appropriation, but its direction toward its ends. I will not take the time of the Senate to discuss accessibility and other points that might be urged against this proposed concentration.

Mr. CURTIS. There is certain information I should like to give before the vote is taken. We have enrolled in the high schools in the District now 4,214 white pupils and 1,415 colored.

Mr. SMITH of Georgia. Four thousand whites enrolled?

Mr. CURTIS. Yes; making a total of 5,629. More than 1,400 pupils enter the high schools each year. I will state to the Senator that is made on the basis, as I said in my remarks, that the Business, the McKinley, and the Armstrong are virtually treated as high schools.

Mr. SMITH of Georgia. Mr. President, I hold in my hand the report of the school board which shows the total whites in the Central School to be 1,168; in the Eastern 405; in the Western 614. Those are the high schools of the city.

Mr. CURTIS. And the colored schools.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Those are the white high schools of the city.

Mr. CURTIS. Then there are the Business School, which, as I said, is treated now as a high school, the McKinley Technical, which is so treated, and the M Street, the colored high school, and the Armstrong Technical School, which is now termed a high school.

Mr. SMITH of Georgia. I am not talking about what is treated; I am talking about what is true, what are the facts. The Business School is not a high school; it is a different character of school; it extends the age away beyond the high-school age and it is for largely a different class of instruction. So there are not seeking to get to the high schools 4,000 whites. Those now admitted are 1,168, 405, and 614, and that is all. It is less than 2,000.

I have here the report of the principals of the three schools. The principal of the Central School admits that the school is not full. The other two complain that they are crowded, but say they are doing splendid work. You can not read these three reports without reaching the conclusion that the two smaller schools are called on more to take care of children than the large Central School, nor can you read the report without reaching the conclusion that they are doing better work than the larger schools.

The Senator from Utah [Mr. SMOOT] says that the trend in the cities is toward very large schools. Little has been learned in the great cities about high-school work. They are handicapped in their work; they have never accomplished for the children who attend them when crowded what the smaller schools in the rural sections have done. One of the reasons that the life-blood which furnishes the flower of the manhood of this country must come very largely from the country is the unfortunate crowding of children together in the cities and in the educational institutions of the cities.

There has never been any proof brought from any of these crowded schools that they have done or can do the proficient work that is done in the smaller high schools. We have just heard on the floor of the Senate from the man who, I believe, has done the greatest work in high-school training that has ever been done in the South, at any rate. He is now a Member of this Senate. I would not exchange his judgment for the judgment of an architect, who desires to put up a magnificent building. It is true that the architect thinks that the building ought to be one costing a million and a half dollars; it is true that there is a line of thought in the cities that longs for magnificent structures to adorn them. I care more, when it comes to a school, for what is going to be done for the mind and character of the boy and girl who goes to it, than I do for the outside walls of the building. I do not care anything for the great structures. I want room and air and individual attention, so far as possible, that men and women, not elegant brick walls and magnificent structures, may be the result of the school system.

I repeat, Mr. President, there has been no proof that good work can come from crowding children together. I think that the necessity of crowding them together has been due to the lack of space in the big cities, but that does not exist here.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. I do not understand that the students are going to be crowded together. I understand that the building itself, and the grounds surrounding it, are such that the pupils will not be crowded as they are and have been crowded in the Central High School or in either one of the other high schools in the city. The plan is that the air, the light, and the general arrangement of the building shall be such that no class will be crowded and no student will be crowded either in the building or on the grounds. It is only a question of the number of teachers as to whether the student comes in direct touch with his teacher or not; and, of course, the required number will be provided for.

Mr. SMITH of Georgia. Mr. President, is this to be run as a separate system of schools all at one place? Are they to be divided into separate playgrounds? Are they to be separated all the way through in all their relations? If so, we had better have separate schools. If not, then they are to be crowded together. The report recommending a larger school admits that it will be just as expensive. In the examination an effort was made to show that there would be some economy about it, but it was conceded that there would be none. That is the testimony which I have read.

Mr. SMOOT. That is—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

The PRESIDENT pro tempore. The Chair must insist upon the observance of the rule by Senators desiring to interrupt the Senator who is speaking.

Mr. SMITH of Georgia. I yield to the Senator from Utah. The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt. The Senator from Utah.

Mr. SMOOT. I was simply going to say, Mr. President, that the estimate upon the building itself is only 20½ cents a cubic foot, which is lower than it has been in any building erected in the District of Columbia. There may be no economy, so far as the number of teachers is concerned, but in the building itself and in the grounds there is economy, as shown by the testimony.

Mr. SMITH of Georgia. What are we going to do with the existing buildings? We now have three buildings that accommodate all the children in the high schools. The Senator from Kansas [Mr. CURTIS] undertakes to treat the students in the business school as high-school children, while many of them are grown. Do you propose to close those schools up? Do you propose to abandon all this investment in the three high schools at the business school and the two manual-training schools?

Mr. President, I am going to offer this amendment:

That a commission composed of two Senators and two Representatives be appointed by the Committees on the District of Columbia to report at as early a date as practicable upon the problem of increased high-school facilities for the District, and said commission shall have authority to take advice from experts on the subject; and an appropriation of \$5,000 is hereby made, to be immediately available, for the expense of the commission.

Mr. CURTIS. Mr. President, I want to make a point of order, if the Senator from Georgia is through.

Mr. SMITH of Georgia. I am not through. I offer this as a substitute for the amendment reported by the committee. It has been suggested that this will cause delay. It will not. The plan of the committee involves three years' delay; the plan of the committee involves no building until the end of three years. If the commission which I propose investigates the question and determines to go on upon the present lot, they may determine to go on upon plans suggested by the Senator from Nevada [Mr. NEWLANDS] and simply build a structure for immediate use, eliminating a large part of this expensive structure, and not embarking us in the erection of a building that is to cost a million and a half dollars. It may determine to take the 400-pupil high-school plan. The commission can have the matter under consideration and report at an early day. Instead of delaying the problem, we ought to have whatever we do ready during the next year.

Mr. CURTIS. I make the point of order against the amendment that it is general legislation on an appropriation bill and that it carries an appropriation that has not been estimated for.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be stated from the desk.

The SECRETARY. On page 57, in lieu of the committee amendment, in lines 14 to 20, inclusive, it is proposed to insert the following—

Mr. SMITH of Georgia. I propose the amendment as a substitute for both the high-school amendments.

The SECRETARY. And also for the next amendment, on page 58, from line 1 to line 5, inclusive, to insert the following:

That a commission composed of two Senators and two Representatives be appointed by the Committees on the District of Columbia to report at as early a date as practicable upon the problem of increased high-school facilities for the District. And said commission shall have authority to take advice from experts on the subject, and an appropriation of \$5,000 is hereby made, to be immediately available for the expense of the commission.

The PRESIDENT pro tempore. The point of order is sustained. The question is upon the amendment proposed by the committee.

Mr. SMITH of Georgia. Then, Mr. President, I make the point of order against the amendment of the committee.

The PRESIDENT pro tempore. The point of order is overruled.

Mr. SMITH of Georgia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Lippitt	Sheppard
Brady	Dillingham	Lodge	Shively
Bristow	du Pont	McLean	Simmons
Bryan	Fall	Myers	Smith, Ariz.
Burnham	Gallinger	Nelson	Smith, Ga.
Burton	Gamble	Newlands	Smith, Md.
Cañon	Gardner	O'Gorman	Smith, Mich.
Chamberlain	Gronna	Overman	Smith, S. C.
Chilton	Jackson	Page	Smoot
Clapp	Johnston, Ala.	Penrose	Stephenson
Clark, Wyo.	Jones	Percy	Tillman
Clarke, Ark.	Kavanaugh	Perkins	Townsend
Crane	Kenyon	Pittman	Wetmore
Culberson	Kern	Pomerene	Williams
Cullom	Lea	Richardson	Works

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the committee.

Mr. BRISTOW. Mr. President, I desire to say, before the vote is taken, that I can not get the consent of my mind to vote for any high-school building than is proposed to house 2,500 pupils. I do not believe that is in harmony with the modern methods of education. The whole tendency of modern times,

as I understand, is to have smaller buildings. The colleges are not constructing such large buildings as they formerly did, but are constructing smaller buildings on their grounds. Colleges in my own State, with which I am familiar, have abandoned the idea of constructing buildings as large as they can make them; and I do not believe that any school building ought to hold more than 500 pupils. I believe that according to the reports that have been made in regard to the Washington high schools, the Eastern High School and the Western High School are doing better work than the Central High School, because there is not so much congestion.

Then, I want to make another inquiry. As I understand, this building is to be located near Tenth and Q Streets NW.?

Mr. CURTIS. Near Garfield Hospital.

Mr. BRISTOW. Yes; that is in the vicinity of the Central High School.

Mr. CURTIS. It is not very near the present Central High School.

Mr. BRISTOW. Well, the present Central High School is at Seventh and O Streets, and the proposed new building is not very far from that. To build a school that will house 2,500 students, it seems to me, is not the proper thing to do.

So far as the grounds are concerned, if they have a large lot there I would very much prefer to put a school building there that will house not to exceed a thousand; and if they have additional ground about it, all the better. We can not in Washington, especially in the congested parts of the city, have too many recreation grounds for the school children. I wish that the plans could be changed and a building erected there that would house a reasonable number of students, then erect another one at some other place, and not have the students coming for miles to a school where there will be great congestion and which is situated in a locality where the population is naturally congested.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. NEWLANDS. I wish to offer a substitute for the amendment of the committee.

The PRESIDENT pro tempore. The amendment in the nature of a substitute proposed by the Senator from Nevada will be stated.

The SECRETARY. In lieu of the committee amendment, on page 57, lines 14 to 20, it is proposed to insert the following:

Toward the construction of the central structure of a new Central High School on the site purchased for that purpose, to cost not exceeding \$1,200,000, under contracts which are hereby authorized therefor, \$300,000.

Mr. NEWLANDS. Mr. President, I wish to explain that that amendment is in harmony with what I have already said upon this subject. It would provide for the entire expenditure of the present appropriation of \$300,000 upon a central structure, under plans which provide for a structure costing in all \$1,200,000, leaving the appropriation for the wings hereafter to the wisdom of Congress after deliberation upon the subject. It would, at all events, secure to us high-school accommodations for about 800 pupils, one-third of the total number covered by the entire structure. It would practically complete within the year the entire main structure which can be used for students, whereas the plan of horizontal construction, covering the entire foundation provided for by the committee amendment, means that the children will not be able to occupy any portion of this school building for at least three or four years if we appropriate at the rate of only \$300,000 annually, as the building is to cost \$1,200,000.

It seems to me that the amendment meets the convenience of the city in preparing accommodations for about 800 students within a year, and that it will enable us to consider in the future the question whether we will build in such large units or whether we will make the unit a smaller one than is provided for in the committee amendment, and limit it to five or six or seven hundred pupils.

Mr. SMOOT. Mr. President, there is one thing to which I should like to call the attention of the Senator, and that is this: If we confine ourselves to building the central part of the school, we shall have the great auditorium and the administrative offices and shall incur the expense of constructing that part of the building which could not be used at once for the accommodation of students. Therefore I think if the amendment offered by the Senator were adopted, it would not reach what he hopes to have it do.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I yield.

Mr. NEWLANDS. I will ask the Senator whether this auditorium is in the main central structure?

Mr. SMOOT. I so understand.

Mr. NEWLANDS. Then would it not meet the view of the Senator if we should provide that this appropriation should be limited to the construction of the main central structure or one of the wings, according to the wisdom of the board of commissioners?

Mr. SMOOT. I think the wording of the amendment that has been suggested by the commissioners will cover every possible point, and I believe the wording is very much better than any we could offer.

Mr. NEWLANDS. But the Senator will recognize the fact that the entire \$300,000 would do no more than prepare the foundations, and at the end of the year we would have no accommodations for the students; whereas my plan of immediately constructing the main structure, or one of the wings, will provide accommodations for the pupils.

Mr. WORKS. Mr. President, I am not so much concerned about the size of this building. I suppose, like all other school buildings, it will be divided into separate rooms, and the school will be divided into separate and distinct grades so that each individual teacher will have a reasonable number of pupils. My chief concern is about the kind of education that is being taught in the schools, not only of the District of Columbia, but of the whole country, at the present time.

We talk a good deal about our high schools. They are not high schools in any proper sense of the term. They have grown and grown and grown in the extent of the education they impart until they have become colleges and universities. They have been warped out of all proportion as a means of giving to the children of this country the useful education that should be imparted through the public schools.

I think there is a very general protest in the public mind against the extension of the education that is imparted through the public schools at the present time. I know I have felt it very strongly, and I have heard it expressed by others. If a commission should be appointed to deal with this question at all, I should rather see a thorough investigation made of the manner of conducting the schools and the education that is imparted to the children, with a view of bringing it back to the giving out of that education that would make the children useful men and women.

It is perfectly evident to every observing man that a very large proportion of the education, for which we are paying millions and millions of dollars in this country, is absolutely worthless to a large proportion of the children who are taught in the public schools. I do hope that some time some restraint, some restriction will be placed upon the expansion of the public schools through the influence of the teachers, who are allowed to have their own way with respect to it, while we simply appropriate the money for that purpose.

Mr. SMITH of Georgia. Mr. President, I move that the committee amendment be laid on the table.

The PRESIDENT pro tempore. The Senator from Georgia moves that the committee amendment be laid on the table. [Putting the question.] The "noes" appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMITH of Georgia. I ask that the count be again made.

The PRESIDENT pro tempore. The Chair will again put the question on ordering the yeas and nays. [A pause.] Not a sufficient number have seconded the call, and the yeas and nays are not ordered. The question is upon the substitute offered by the Senator from Nevada [Mr. NEWLANDS].

The amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment of the committee. [Putting the question:] The yeas appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I understand he has not voted. In his absence I withhold my vote.

The roll call was concluded.

Mr. KERN (after having voted in the negative). Has the Senator from Kentucky [Mr. BRADLEY] voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. KERN. I withdraw my vote for the moment, and transfer my pair to the Senator from Oklahoma [Mr. GORE], and will vote. I vote "nay."

The result was announced—yeas 42, nays 26, as follows:

YEAS—42.			
Brandegee	Dillingham	Nelson	Smith, Md.
Brown	du Pont	O'Gorman	Smoot
Burton	Gallinger	Oliver	Stephenson
Catron	Gamble	Page	Stone
Chamberlain	Jackson	Percy	Thornton
Clapp	Jones	Perkins	Townsend
Clark, Wyo.	La Follette	Poindexter	Warren
Crane	Lippitt	Pomerene	Wetmore
Crawford	Lodge	Richardson	Works
Cullom	McLean	Root	
Curtis	Martin, Va.	Smith, Ariz.	
NAYS—26.			
Ashurst	Gardner	Martine, N. J.	Smith, Ga.
Borah	Gronna	Myers	Smith, S. C.
Bristow	Johnston, Ala.	Newlands	Thomas
Bryan	Kavanaugh	Overman	Tillman
Culberson	Kenyon	Pittman	Webb
Commins	Kern	Sheppard	
Fletcher	Lea	Simmons	
NOT VOTING—27.			
Bacon	Chilton	Hitchcock	Shively
Bankhead	Clarke, Ark.	Johnson, Me.	Smith, Mich.
Bourne	Dixon	McCumber	Sutherland
Bradley	Fall	Owen	Swanson
Brady	Foster	Paynter	Watson
Briggs	Gore	Penrose	Williams
Burnham	Guggenheim	Reed	

So the amendment of the Committee on Appropriations was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had failed to pass the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States over the veto of the President of the United States, two-thirds of the House of Representatives not agreeing to pass the bill.

#### EIGHT-HOUR LAW.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "persons," in line 2, page 3, strike out all the words down to the end of section 1 and insert the following: "employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States," so that the proviso in section 1 will read: "Provided, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States"; and the Senate agree to the same.

WILLIAM E. BORAH,  
BENJAMIN F. SHIVELY,  
*Managers on the part of the Senate.*  
W. B. WILSON,  
FRANK BUCHANAN,  
*Managers on the part of the House.*

Mr. BURTON. Mr. President, I made some remarks on that measure, on a motion to reconsider. I do not desire to be further heard. I had understood, however, that the Senator from North Dakota [Mr. McCUMBER] desired to be heard on it.

Mr. BORAH. Mr. President, the Senator from North Dakota has been here for some time and has not signified to anyone

who is connected with the report a desire to speak on it. I should like to see the matter disposed of.

Mr. SHIVELY. I ask for the adoption of the conference report.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The conference report was agreed to.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. At the top of page 58 insert:

Toward the construction of a new M Street High School for colored pupils on the site purchased for that purpose, and toward the grading of said site, and the total cost of said building shall not exceed \$550,000, under contracts which are hereby authorized therefor, \$150,000.

Mr. SMITH of Georgia. Mr. President, the same objection which I have urged to the preceding amendment I urge to this; but since we have gone through the fight on the first and the Senate has voted, I do not intend to repeat my reasons for objecting.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 71, at the top of the page, insert the following:

The action of the commissioners in locating a pound and stable for the health department on reservation No. 290, located along James Creek Canal at the intersection of South Capitol and I Streets SE., under the authorization contained in the District appropriation act approved March 2, 1911, is ratified and confirmed, and the jurisdiction and control over said reservation is transferred to the Commissioners of the District of Columbia: *Provided*, That the District of Columbia shall pay to the United States as compensation for the land contained in said reservation one-half the estimated value thereof, namely, \$4,100, and there is hereby appropriated, entirely from the revenues of the District of Columbia, said sum of \$4,100, which shall be deposited in the Treasury of the United States to the credit of the United States, and thereafter the title to said reservation shall be in the name of the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 74, after line 13, insert:

#### INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, \$975,408.

Mr. SMITH of Georgia. Mr. President, this item is offered by the Senate committee as a substitute for the last provision in the bill as it comes from the House. It involves a sum of something over \$12,000,000 for which, in my opinion, the National Government is in no sense liable, but for which the District is liable. It is proposed to transfer that liability from the District to the National Government.

There are certain bonds known as the 3.65 bonds. It is with reference to those bonds that this provision applies. The House appropriated the money to meet the interest, but left the question of final liability between the District and the National Government to be determined by the law as it stands. The Senate committee undertake to determine that these bonds are to be paid for, half and half, by the National Government and the District. The bonds and the interest will amount to over \$25,000,000.

Mark it, the House proposes to leave the question to be determined hereafter as to whether the law puts the liability on the National Government. The effect of the Senate committee amendment is not to leave it where the law leaves it, but to undertake to determine that half of the liability rests on the National Government.

Mr. President, these bonds were issued under an act passed in 1874. They were to take up indebtedness of the government of the District of Columbia, of the city of Washington, and of Georgetown, reaching back a number of years prior to that time. The indebtedness for which these bonds were issued was an indebtedness with which the National Government had nothing to do, for which it was in no sense liable; but the act of 1874 provided that the District might settle this indebtedness with bonds bearing interest at the rate of 3.65, and that the National Government guaranteed the payment of the bonds; but

all money for the payment of the bonds was to be raised by taxes placed upon the property of the District. It was not a liability of the National Government. The act of 1874 did not make it a liability of the National Government. It simply guaranteed the bonds that the District wished to issue and provided that money should be raised by taxes upon the property of the District to pay the interest on the bonds and the principal.

Mr. SMITH of Arizona. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. SMITH of Georgia. Certainly.

Mr. SMITH of Arizona. When do the bonds fall due?

Mr. SMITH of Georgia. I do not know.

Mr. CURTIS. Fifty years from 1874. They are being redeemed now.

The PRESIDENT pro tempore. Senators will address the Chair, and get permission.

Mr. CURTIS. I beg the Chair's pardon.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. CURTIS. I say the bonds run 50 years from 1874, except that they may be redeemed from time to time, and about eight or ten million dollars have already been redeemed.

Mr. SMITH of Georgia. Mr. President, the act of 1874, as I said, provided that the bonds were to be paid from taxes levied on the property of the District. The National Government, to help the District dispose of the bonds in settlement of its debts contracted prior to that time, guaranteed the bonds and directed that taxes should be levied on the property of the District to pay the interest on the bonds and the principal on the bonds. That is the substance of the act of 1874.

That was four years before we passed the act of 1878, called the organic law of the District, under which for the first time the National Government agreed to pay half-and-half of a certain class of the expenses of the District. The act of 1876 following the act of 1874 provides as follows:

And in case there shall not be a sufficient sum of said revenues—

Referring to the revenues collected by taxes on the property in the District—

In the Treasury of the United States, at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance from any money in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded.

After the passage of the act of 1874 the District failed to meet from its revenues the interest on these bonds, and the act of 1876 was passed providing that the National Government would meet the interest as it fell due. The National Government had guaranteed the bonds, but provided that it should be charged up against the District funds when the National Government met the interest and should be paid back from time to time if the District had funds on hand to meet the payments.

So, Mr. President, there can be no doubt that this indebtedness for which the 3.65 bonds were issued was one with which the National Government had no connection and for which it in no wise was responsible. The act of 1874 providing for settling these past liabilities recognized the fact that the National Government was simply going security for the District, that the District was primarily liable, and that the revenues of the District were to pay all the bonds and the interest. The District not having the money, the act of 1876 provided that the National Government would advance the money, but it was to be returned to the National Government.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Certainly.

Mr. WORKS. I do not know that I understood correctly the reading of the statute which has just been read by the Senator from Georgia. I should like to know, without requiring it to be read again, whether it provided merely for the payment of the amount then due or whether it is general in its terms, authorizing the National Government to advance the money to meet the obligations as the interest falls due.

Mr. SMITH of Georgia. I think it was general in its terms.

Mr. WORKS. Then, in that case, I should like to ask the Senator from Georgia whether, if this appropriation is made, it would not be made under the terms of that statute and the District still be liable to repay the amount advanced?

Mr. SMITH of Georgia. I think that would probably be true, but doubt about it is raised by the way in which the amendment of the Senate committee comes. The House committee

provided for the payment of the interest. The House provision is as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, \$975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

Mr. WORKS. It seems to me that if there is doubt as to whether this money should be paid at all by the National Government, or upon what terms and under what obligations it is paid, that should be made certain. I think that the provision in the House bill is objectionable on that ground, leaving it still in a state of uncertainty, and the amendment now proposed is no better. If this is an advancement, why not say so, and have it distinctly understood that we are not paying this money as a debt of the National Government, but that we are simply advancing it for the purpose of assisting the District for the time being to meet its obligation, leaving the District still under the obligation to repay the amount to the Government?

Mr. SMITH of Georgia. If the Senate is ready to finally decide that question and to make the thorough examination which, perhaps, it would wish to make, the suggestion of the Senator from California undoubtedly is right.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield further to the Senator from California?

Mr. SMITH of Georgia. Certainly.

Mr. WORKS. It may be, Mr. President, that the committee having this bill in charge has made that necessary investigation. Certainly I should want to know before voting for an appropriation of this large sum of money that there is some obligation resting upon the Government to pay that amount of money. If it is a direct and primary obligation on the part of the Government, well and good; we should make the appropriation. If, on the other hand, it is simply an advancement of money to aid the District, then it may be proper to do it with that distinct understanding. But I shall certainly want to know that this is a just obligation on the part of the Government before voting for this appropriation.

Mr. SMITH of Georgia. Mr. President, I have called the attention of the Senate to the act of 1874, and I have called the attention of the Senate to the fact that the obligations for which these 3.65 bonds were issued were not obligations of the National Government, but obligations of the District, made independent of the National Government.

Mr. TOWNSEND. If it will not disturb the Senator—

Mr. SMITH of Georgia. Not at all.

Mr. TOWNSEND. I should like to ask him the reason for the original indebtedness, how it originated, and for what purpose?

Mr. SMITH of Georgia. The original indebtedness, I understand, ran through a period of quite a number of years. Obligations were made in the District that were not met, some of the obligations going back to the city of Georgetown and some to the county of Washington. It would be impossible for me to give the Senator all the facts with reference to the original indebtedness. I carried my own examination only to the extent of ascertaining that it was an indebtedness created by the local authorities, with which the National Government was in no sense connected.

Mr. CURTIS. For the District.

Mr. SMITH of Georgia. For the District, or for Georgetown, or for the city of Washington. They were separate organizations.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Certainly.

Mr. NELSON. Did not these debts, I ask the Senator, arise under what was called the Shepherd government at a time when the District had a government of its own, independent of the Federal system?

Mr. SMITH of Georgia. Yes; probably in part.

Mr. NELSON. I am inquiring about that.

Mr. SMITH of Georgia. They all arose prior to 1874, and they did arise, I understand, principally during the period that the District had entire control of its own affairs. A part of them originated from the city of Georgetown, a part of them from the city of Washington, and a part of them from the county of Washington. So I have seen it stated.

Mr. WORKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Certainly.

Mr. WORKS. I hope the Senator from Georgia will pardon me for these frequent interruptions, but this is a subject

with which I am not at all familiar. I am sorry to say, and I want to be informed. I understand from what the Senator from Georgia says that subsequent to the incurring of this debt the Government did obligate itself to pay one-half of the amount that might become due in the future.

Mr. SMITH of Georgia. Not at all. That is just what I do not think the Government has ever done.

Mr. WORKS. I understood the Senator's position to be that the arrangement, whatever it might have been, was made subsequent to that time, and therefore did not include the existing indebtedness.

Mr. SMITH of Georgia. Not at all. In 1878 what is called the organic act was passed, by which the Government undertook to furnish one-half of certain classes of current expenses incurred by the District of Columbia. Those expenses were to be current expenses of administration. That provision has no reference to the bonded indebtedness of the District of Columbia.

Mr. WORKS. That is precisely what I understood. Evidently the Senator from Georgia misunderstood me. I understood that, while there was by the organic act an obligation created on the part of the Government to pay one-half of certain expenses, the position of the Senator from Georgia is that it did not include the obligations that had already been incurred. Am I right about that?

Mr. SMITH of Georgia. Yes; or that it certainly did not include this obligation, but this obligation was a list of bonds issued to pay old debts that had been created from time to time during a number of years prior to 1874, and for the settlement of which the 3.65 bonds of the District of Columbia were authorized by the act of 1874. The District was authorized to issue the 3.65 bonds by the act of 1874 to settle an indebtedness with which the National Government had no connection. In the act of 1874 the National Government, to aid the District, guaranteed these bonds but expressly provided that the bonds were to be paid by money derived from taxes upon the property of the District, and that left the Government just like any other guarantor, the principal being primarily liable.

Then, the District not having had sufficient money raised from its proportional appropriation of its funds, because the act of 1874 provided for proportioning its revenue out and appropriating it to certain current expenses, only providing a part of it to go toward the interest on the 3.65 bonds, Congress by the act of 1876 provided that when the District failed to meet this interest, the National Government having guaranteed it, the Treasurer of the United States should pay it, and that it should be charged up against the District and the District should pay it back. I find nothing—

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. I do.

Mr. NEWLANDS. I should like to ask the Senator from Georgia whether any committee of Congress, either of the Senate or the House, has passed upon the question as to whether these bonds were original obligations on the part of the United States Government undertaking to pay the existing debt of the District of Columbia, or whether they were simply the obligations of the United States, simply in the way of guaranteeing their payment, the amount to be refunded from the District funds. Has there been any finding of any committee?

Mr. SMITH of Georgia. I do not know.

Mr. NEWLANDS. Would it not be wise to submit that question to the Judiciary Committee of the Senate and get their opinion regarding it? There seems to be such a contrariety of views regarding the nature of the obligation, it seems to me it would be well to adopt that course.

Mr. SMITH of Georgia. I agree with the Senator. My objection to the Senate committee amendment was that it undertook to decide the question, and, so far as I could judge from the statutes, to decide it wrong. The committee undertake to decide it, and they decide that the National Government is liable, when, as I construe the indebtedness and as I grasp the situation, the National Government is not liable.

The subject came up, I found, in discussion on the floor of the House. It had never attracted my attention at all except as I read the debates on the floor of the House, which caused me to turn to the original act of 1874 and to the act of 1876 and to the act of 1878. The subject was discussed upon the floor of the House a few days ago when this bill was pending. Part of the Members of the House were sure that the National Government was in no sense liable; some of them thought that it was liable.

Therefore they, not feeling ready to decide the question, made the appropriation providing that subsequent decision should

be made as to whether the Government was or was not liable. They did not reach a conclusion upon which they were ready to settle that question, and therefore left it to be paid out of the funds and accounted for in accordance with the acts of Congress in relation thereto.

I am willing to leave it there, if we are not ready to decide it yet, and it seems to me we are not. I think it is a question which ought to be referred to the Judiciary Committee of the Senate or a joint body composed of members of the Judiciary Committees of both Houses, and receive more careful investigation than I have had time to give it. I was attracted to the question only by the debate on the floor of the House, and, turning to the act of 1874 and to the act of 1876, it seemed perfectly clear to me that the original plan did not contemplate donating payments made by the National Government to the District; and as the act of 1876 expressly declared that payments made by the Government were to be charged up to the District, I felt that we ought not to undertake to decide it without a more thorough investigation, and certainly not to decide it against the Government.

Mr. CURTIS. Mr. President, I think before passing upon this question the Senate is entitled to some of the facts; and I hope in a few moments to cover some of the questions that have been asked.

The Senate should recognize the fact that in the first place the Government received 5,129 acres of land in this District and the original owners retained 982 acres.

The District had a Government of its own until 1870. Up to 1835 the citizens of the District had expended in street improvements \$629,971, while the Government had expended only \$208,925. Because of that fact this question was referred to a committee of the Senate. Senator Southard made a report on the subject, and I quote from a part of the report of 1835, in which it says:

If the streets are its property and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and the inhabitants, the expenses of maintaining them should be joint and in proportion to their respective interests.

That same report recommended that Congress refund to these people what they had paid out, and also recommended that in the future the Government should pay its part in keeping up and making the improvements in the city of Washington.

Up to 1871 the District of Columbia was under the control of a local government, and up to 1871 that local government had made as many improvements as possible. Congress not being liberal in its appropriations to assist, the District of Columbia found itself in debt \$5,000,000. The streets were in bad condition and so Congress took hold of the situation, took the government away from the District, and made a Territorial form of government here. They gave the District of Columbia a governor, a secretary, a council of 15 members, a house of delegates of 22 members appointed by the President and confirmed by the Senate, a board of public works consisting of the governor and four citizens appointed by the President and confirmed by the Senate.

That board had control of the affairs of this District until 1874, and because of the plans it laid out, because of the improvements it made in the District of Columbia, the debt of the District increased \$50,000,000.

Then it attracted the attention of Congress. First, the matter was so important that President Grant thought it deserved attention, and he in his message of 1873 referred to the subject. This is what he said about the obligations of our Government:

The Government having large reservations in the city, and the Nation at large having an interest in their Capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements.

On the 1st of June, 1874, in compliance with the resolution of the House, passed January 26, on the legal relations of the District of Columbia and the United States, the Committee on the Judiciary rendered a report upon that question, and in it they found that the title of the streets was in the name of the General Government and were under its control. The committee was impressed with the belief that the Federal Government sustains such relations as would require it to contribute to municipal expenses, and it further found that the amount which should be so contributed was at least one-half. This was the report of the Judiciary Committee of the House of Representatives.

From the report of the committee:

If the streets are its (the Federal Government's) property, and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and its inhabitants, the expense of maintaining them should be joint, and in proportion to their respective interests.

Your committee are impressed with the belief that the Federal Government sustains at least such relation toward the citizens and the local government as would require it to contribute to municipal expenses an amount bearing the relation to the whole amount required, which the interest of the Federal Government here bears to the interest of the local government; and this they believe to be at least one-half.

The records show beyond any question that the debt was made, upon which \$36,000,000 has been paid in interest, and a sinking fund, which was created by the officers of the General Government, in which the people of the District of Columbia had absolutely no say whatever.

The conditions were such in 1874 that Congress appointed a joint special committee of both Houses to thoroughly investigate and report upon the whole question, and the result of the report was that Congress abolished the so-called Territorial government and authorized the President to appoint three commissioners.

The act of 1874 referred to by the Senator from Georgia was the result of the work of that committee, and section 7 provides as follows:

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of \$50 and \$500, bearing date August 1, 1874, payable 50 years after date, bearing interest at the rate of 3.65 per cent per annum, payable semiannually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct, which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

Now, the faith of the United States was pledged by that act to pay the interest on said bonds as the same became due, and to create a sinking fund for the payment of the principal thereof at maturity.

Mr. SMITH of Arizona. What is the date of the act?

Mr. CURTIS. 1874. Section 5 of the act provides:

SEC. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the Presiding Officer of the Senate, and two Members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate drafts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed, said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of \$5,000; and said sum, or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

That is section 5 of the act of 1874, promising to have a committee prepare a suitable frame of government, and also to find the proper proportion of the expenses of the government, including interest on the sinking fund, which should be borne by the District and the United States, respectively.

As a result of the work of the committee of eight—three from the Senate and five from the House—the act of 1874, and various reports, the act of 1878, which was the organic act, became a law. But before I come to that, I desire to call the attention of the Senate to the fact that three days after the passage of the act of 1874 there was appropriated in the sundry civil appropriation act of June 23, 1874, for the District of Columbia, \$1,300,000, including interest on the funded debt to July 1, 1874, with the following proviso:

All of the above sums, except so much thereof as may be paid for interest as aforesaid, to be considered and adjusted hereafter as part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

That is the act of June 23, 1874, Eighteenth Statutes, page 210. Furthermore, in the first appropriation act of 1875, I find the following:

Provided, That the said sum hereby appropriated (\$182,500) shall be considered as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia and toward the payment of the interest on the funded debt of the District of Columbia.

That provision is taken from the act of February 1, 1875, Eighteenth Statutes, page 310.

Now, Senators, we come to the act of 1878, the act that is known as the organic act of the District, and that act fixes the amount which the General Government is to pay. I desire to read a few extracts from the organic act:

To the extent to which it shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof.

And the remaining 50 per cent of such approved estimates shall be levied and assessed upon taxable property and privileges in said District, other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale, etc.

By that act the General Government pledged itself to pay 50 per cent of these debts.

Another thing. This is not new. When the question was presented to the House, Mr. Hendee, the chairman of the committee, used this language, so that there could be no mistake about it:

On the question as to whether the Government of the United States has pledged its faith for the payment of interest, Government officers and others interested have secured the written opinions of Mr. Pratt, of Indiana; Mr. Pierpont, the former Attorney General of the United States; Mr. O'Connor; Mr. Birney; and other eminent and able lawyers, and they all agree in this one thing: That inasmuch as they agreed that the interest and principal should be taken care of when due, and inasmuch as the District had no voice in the transaction whatever, the United States is bound to see that there is no default; that, in fact, they are a Government bond. Mr. O'Connor and these gentlemen say that there is no question about the liability of the United States to see there is no default in the payment of the interest and of the bonds themselves.

Hence, if this one point is established—the liability of the Government, and we settle upon 50 per cent as the proportion the Government should pay, and the same for the District—as a matter of course the provision in the bill is a very wise one. These are the main features of the bill.

Mr. Hendee, in referring to this subject, said:

"There is another clause in the bill which I consider very wise and perhaps the most important provision in it. It provides that of the expenses or burdens of this District the United States Government shall bear 50 per cent. Up to the present time the relations of the General Government to the District have never been settled (the United States owns absolutely 55 per cent of the entire area of this District), and by the appraisal made a short time since the value of the property owned by the United States Government is about \$95,000,000 and that owned by the District and by the people of the District \$96,000,000. In other words, there is less than a million dollars difference between the actual appraised value of the property of the United States here and that of all other property here. I mean real property, of course. Yet, as I have said, up to this time nothing has ever been done to ascertain and establish the relative position of the United States Government and the District in relation to this matter. Whenever it has been deemed necessary to make improvements and pay expenses Congress has appropriated such sum as it saw fit, and the people of the District have been required to pay the balance by taxation and in such manner as Congress determined.

"Since the seat of government was permanently established in this District the entire expenditures of the United States for improvements in the District have been about \$9,000,000, while the amount paid by citizens of the District for the same purpose exceeds the sum of \$34,000,000. In other words, the amount taken from the pockets of citizens of the District and put into these improvements is about four times the amount which has been appropriated by the Federal Government. I make these statements upon data furnished from the Treasury Department and other departments of the Government, which give accurately the items, with dates of appropriations, etc.

"These appropriations on the part of the United States have been more frequent or perhaps more liberal within the last six or eight years than ever before. I think that within the first 70 or 71 years of the existence of this Government less than \$2,000,000 were appropriated by the United States Government toward improvements in this city; the other six or seven millions have been appropriated since 1871. Twenty-three million dollars and over of the thirty-four or thirty-five millions expended in the District for improvements is in the form of a debt against the District. In regard to \$13,000,000 of this debt there is a pledge or guaranty on the part of the United States that the interest as it accrues and finally the principal shall be paid. The remainder of that debt, about nine or ten millions, rests upon the District government alone, without any guaranty or pledge on the part of the United States. The interest upon this twenty-three or twenty-four millions of debt is a part of the annual expenditures of the District of Columbia and has to be regularly provided for."

This is the opinion, and this is the statement made in the House by the chairman of the committee when he reported the measure. Moreover, he said—

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. CURTIS. Certainly.

Mr. SMITH of Georgia. Has the Senator ever seen one of those bonds?

Mr. CURTIS. I never have, I am sorry to say.

Mr. SMITH of Georgia. Does the Senator agree with the chairman of the House committee that they are Government bonds? If the House committee chairman made that statement about these 3.65 bonds, was he not just simply clear away from the facts?

Mr. CURTIS. With the act of 1874 guaranteeing those bonds they are the same as Government bonds. While I never read

one of them, a friend of mine came to me the other day and wanted to know what was a good investment, and I said, "The Government is back of the 3.65 bonds of the District of Columbia, and I would advise you to buy them in preference to Government bonds, because they will yield you a greater interest." That is the way I feel about them.

Mr. SMITH of Arizona. What was the date of the report, if the Senator from Kansas please?

Mr. CURTIS. It is a report on the act of 1878, which fixes one-half as the part which the General Government was to pay. After fighting the matter out on the floor of the House, the House passed this act of 1878. On the floor of the House and in the Senate an effort was made to defeat that provision by offering substitutes for it. The question was fought out, and then, when it was finally settled, Members who opposed paying 50 per cent tried to reduce the amount to 25 per cent. That amendment was defeated. Then they tried to reduce it to 40 per cent, and that amendment was defeated, whereupon the original proposition, as I read it to the Senate a few moments ago, was agreed to, fixing the amount at 50 per cent.

It must be remembered that since 1878 Congress has assumed control of all the streets, the alleys, and the improvements in the District. A man can not erect a building here without complying with the laws of Congress. Congress has absolute control; Congress has made these debts without consulting the District. The debts have been made upon the assumption that the General Government would pay 50 per cent of that indebtedness. I say this without fear of successful contradiction.

Since 1878 down to this very day every appropriation providing for the expenses of the District has provided for the payment of the interest and the proportionate share of the sinking fund on a 50 per cent basis. That being true, what is the use of again submitting this question to the courts? What is the use of again raising a doubt when we have the law pledging us to 50 per cent and when Congress has recognized it from that day to this?

There was one item, as to which there was some question raised, as to whether it applied to the interest and also to a part of the sinking fund. If you will read the estimates of the Treasury Department, upon which the appropriation was based, you will find that it not only included interest but a proportionate share of the sinking fund.

One other thing. It is shown by official reports that from 1877 and 1878 the citizens up to 1878 had expended in this District \$65,569,371, while the Government had only expended \$27,311,000; in other words, the citizens had expended \$38,357,421 more than the General Government had expended. Here we are, in the face of that, fighting over the interest on the sinking fund of \$12,000,000.

Senators, Washington is the capital of the United States. It has been described as the Federal city. It is a wonderful city; and the Government has taken charge of it. More than that, in the decision of the Supreme Court, in which this question was involved, the act of 1878 was passed upon. That act of 1878 was construed by the Supreme Court—the opinion being delivered by one of the ablest judges that ever served in the capacity of Associate Justice—as being the organic act, and not only as the organic act, but as the very constitution of the District of Columbia.

So far as I am concerned, as one member of the committee, I believe that this question has been settled by every Congress from 1874 to the present time, as certainly it has been since 1878. It is the duty of Congress to help pay the expenses of improving the streets of this city, which belongs to the General Government. This is the capital of the United States, the capital of the whole country, the capital of the greatest Nation in the world, and I believe the people of the country would like to see Congress liberal enough in its appropriations to make this the most beautiful capital in the world.

Mr. SMITH of Georgia. Mr. President, the Senator from Kansas has passed from a discussion of the law of the case into a charming political speech, full of patriotism and devotion to the beautiful city of Washington. I appreciate all that he says about the city, but I really can not find from that part of his speech any aid to enable me to construe the statutes that are brought to the attention of the Senate.

There was a funded debt prior to 1874. It is referred to occasionally in the statutes. The 3.65 bonds are not referred to as "the funded debt"; the 3.65 bonds had not been disposed of in 1874, and "the funded debt" referred to in the act of 1874 applied to an entirely different matter. So much for the Senator's quotation from the act of 1874 with reference to the funded debt.

Immediately after the act of 1874 we find the 3.65 bonds referred to, and referred to not as a funded debt but always as the 3.65 bonds. Let us see how Congress treated them in 1876. I shall not read this provision from manuscript or undertake to repeat it from memory, but I quote it from page 106 of the United States Statutes at Large, volume 19:

That the Secretary of the Treasury shall reserve, of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and the fire department, a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1876, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated, a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded.

There is the language of the act of 1876 with reference to the 3.65 bonds, so clear and so simple that nobody can doubt it. The act of 1874 authorized the three-sixty-fives. They had not been issued, and they were not then part of the funded debt of the District referred to elsewhere in the act of 1874. They were bonds to be issued in the future, guaranteed by the Government, and referred to as "the three-sixty-fives"; and the act of 1874 expressly declared that the entire interest and principal of the three-sixty-fives should be paid by taxes levied on the property in the District of Columbia, and immediately thereafter the act of 1876 provided that when the National Government paid any of the interest or principal of these bonds it should be charged to the District.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Yes.

Mr. CURTIS. May I call the Senator's attention to the act of 1879, which I misplaced and did not read? That act refers not only to the interest on the sinking fund, but defines the position of Congress on that question.

Mr. SMITH of Georgia. On what page?

Mr. CURTIS. I have not the reference to the page, but it is in the sundry civil appropriation act approved March 3, 1879, and is as follows:

Sec. 3. That the sum of \$1,632,098.78 be, and is hereby, appropriated for the purpose of paying one-half of the estimated expenses of the government of the District of Columbia for the fiscal year ending June 30, 1880, namely:

For the interest and sinking fund on the funded debt, \$1,155,583.55. And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress, approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 20, 1874, at maturity.

Mr. SMITH of Georgia. The distinction is right there drawn between the funded indebtedness and the three-sixty-fives. The half-and-half doctrine did apply to the funded debt, but the three-sixty-fives were to be paid out of the Treasury and charged against the District, and the act of 1878 again draws the distinction. The Senator from Kansas confused in his references to the statutes the funded indebtedness which existed prior to 1874 and the three-sixty-fives. They were referred to in the various acts in different language. The three-sixty-fives are always referred to as "the three-sixty-fives," and the funded indebtedness is referred to as "the funded indebtedness." The Government may have assumed one-half of the old funded indebtedness prior to 1874; but the three-sixty-fives which were to take up the indebtedness still outstanding and not funded at all in 1874, were to be guaranteed by the Government, and the act of 1874 expressly provided that they were to be paid for by taxes levied upon the property in the District.

Now, when we come to the act of 1878, that portion of the responsibilities of the District for which the National Government undertook to meet by an expenditure of one-half did not include the 3.65 bonds or the interest thereon. You will find the provision on page 104 of volume 20 of the United States Statutes at Large. As to the character and responsibilities of the District for which the National Government undertook to pay one-half, you will find that in no sense was the principal or the interest of the 3.65 bonds included. On the contrary, you will find that that act provides that as to all of those bonds the total shall be paid out of the Government's proportionate half, because it was to be a charge against the District exclusively, and when the Government paid them it was to constitute a part of its half of that contribution which the Gov-

ernment agreed to meet on a different class of liabilities of the District.

I do not claim to have read all of the statutes, but I do claim that the reasons presented by the Senator from Kansas do not sustain the proposition that the Government is to pay the three-sixty-fives; and when he says they were practically Government bonds the position is not justified by the facts. They were in no sense Government bonds.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. I yield.

Mr. CURTIS. Does the Senator contend that when the Government pledges its faith and arranges for the appropriation to meet those obligations they are not as good as Government obligations or bonds?

Mr. SMITH of Georgia. Oh, there is a vast difference between a thing being as good as something else and being the something else itself. What I am insisting is that while they were as good as Government bonds they were not Government bonds. If I owe a hundred thousand dollars and the Senator from Kansas guarantees my debt, it might make the hundred thousand dollar note perfectly good, but it would not make it the note of the Senator from Kansas; it would be my obligation; and if he paid it for me, he would come on me to pay it back to him. When the Senator calls the three-sixty-fives "Government bonds" he forgets the distinction between guaranteeing an obligation for which you are in no sense primarily liable, simply to help out the party for whom you make the guaranty, and making the obligation yourself; and that is the condition of these bonds. The whole argument the Senator built up was upon statutes referring to the funded indebtedness, which he himself shows by his quotation from the act of 1879 is entirely different from the three-sixty-fives. The act of 1879 still carries the distinction between the funded indebtedness of the District, of which the Government agreed to pay one-half by the act of 1874, and the three-sixty-fives, of which the Government did not undertake to pay half.

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. Certainly.

Mr. TOWNSEND. Can the Senator inform the Senate how the interest on these bonds has been met since the bonds were issued, or rather since 1878?

Mr. SMITH of Georgia. I can not.

Mr. TOWNSEND. The Senator does not know whether or not they have been treated as an obligation, one-half of which was to be paid by the United States?

Mr. SMITH of Georgia. I do not.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. CURTIS. If I may be permitted to interrupt, I will say they have been appropriated for every year and treated as a joint obligation. A contest was made over the bill in the House which raised the question of the Government's responsibility for one-half of the interest. Mr. Blackburn contended that the Government was not responsible for the principal, but admitted that it was responsible for one-half the interest.

Mr. SMITH of Georgia. The Government was responsible for both the principal and the interest by the act of 1874, and all the confusion has grown out of that fact. If the Government has paid at any time this interest without charging it up to the District, it has been simply an improper payment, because the original transaction itself shows that the liabilities arose prior to 1874, and they were liabilities for which the Government was in no sense responsible. Besides, the act in which the Government guaranteed these notes expressly protected the Government from liability by providing that the money was to be raised by taxes on the property in the District. The act of 1876 following it, provided that the Secretary of the Treasury should pay the interest whenever it was necessary; but the Secretary of the Treasury, when he paid it, must charge it up against the District. The Government may have paid it since, but, if so, unless you show me some act of Congress changing the provision of the act of 1876, it ought to have been charged up against the District when the Government paid it. It would have been a gift at any time it was paid, for there was no liability. The act which guaranteed the bonds did not assume liability, except to the holders of the bonds, and, following the act, the Secretary of the Treasury was expressly directed when he made a payment to charge it up to the District.

Mr. President, all I ask is this: The subject came up for discussion in the other House and they concluded that they could

not decide it. Therefore, what did they do? They simply provided that the interest should be paid, without deciding it now, leaving it open for future consideration. I admit that it would be better to decide it; but are we in a position, judicially, to decide it? There may be something yet that can be found that will lead me to believe hereafter that, for some reason I do not now know, the Government ought to pay half; but, as I read the statutes, with my limited investigation suggested by the debate in the other House, I think the Government is liable.

This is the provision the House sent us:

For interest and sinking fund on the funded debt, \$975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

It makes the appropriation, but it does not undertake to decide how the accounting shall take place in the future. If I am obliged to decide now I should say, with the light before me, that it should be charged to the District, and that the provision reported by the Senate committee is wrong.

The Senator from Kansas presented a line of argument to the contrary, which was based largely upon the proposition that the act of 1874 referred to the funded indebtedness and did not take into consideration the fact that the funded indebtedness referred to in all these acts was not the three-sixty-fives, but another class of indebtedness, and that all these acts refer to the funded indebtedness in one way and the three-sixty-fives in another. He based his entire argument upon the supposition that that reference to the funded debt in the act of 1874 applied to the three-sixty-fives, which were then being provided for but which had not been issued and which are not treated in any of the acts as a part of the funded indebtedness.

Mr. WORKS. Mr. President, I was anxious in the beginning to be informed as to the legal liability of the National Government with respect to this claim, and also to determine what the nature of that obligation was, whether as a principal debtor or guarantor. Without intending to reflect upon the argument made either by the Senator from Georgia or that made by the Senator from Kansas, I am not much better informed now than I was in the beginning; and that seems to have been the condition respecting this matter from the time this obligation was in some sense assumed by the National Government down to the present time. But I am perfectly satisfied, Mr. President, that, as a matter of justice, the Government should pay one-half of this indebtedness. About that I have no doubt whatever.

In addition to that, I am satisfied that, if an estoppel could run against the National Government, it should be estopped now from denying its obligation to pay one-half the indebtedness. Acting upon that theory, I shall support this amendment; but it does seem to me, Mr. President, that Congress should, once for all, in some way settle this question as to the liability of the Government, and the sooner that is done the better. If it is necessary that an act of Congress be passed acknowledging the obligation of the Government to pay any portion of this debt, that should be definitely fixed by Congress and the matter settled from this time on.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. I yield.

Mr. CURTIS. I thought section 7 answered the Senator's question. I should like to read this extract from the act of 1874:

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of \$50 and \$500, bearing date August 1, 1874, payable 50 years after date, bearing interest at the rate of 3.65 per cent per annum, payable semiannually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct.

Showing clearly that these bonds were issued by the sinking-fund commissioners.

Mr. WORKS. On the other hand, Mr. President, it is contended by the Senator from Georgia, and I think with some force, that the statute of 1874 only went so far as to make the Government a guarantor for the payment of this debt and obligating itself to pay, the amount to be repaid by the District. That uncertainty ought in my judgment in some way by direct act of Congress to be cleared up.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee. [Putting the question.] By the sound, the ayes appear to have it.

Mr. SMITH of Georgia. I ask for a division.

The question being put, there were, on a division—ayes 15, noes 10.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). I desire to announce that my colleague [Mr. CULBERSON] is absent on business of the Senate, and is paired with the Senator from Delaware [Mr. DU PONT].

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote. I vote "yea."

The roll call was concluded.

Mr. NELSON (after having voted in the affirmative). I have an informal pair with the senior Senator from Georgia [Mr. BACON], and I therefore desire to withdraw my vote.

Mr. CLARK of Wyoming (after having voted in the affirmative). In the absence of the senior Senator from Missouri [Mr. STONE], with whom I have a general pair, I withdraw my vote.

Mr. DILLINGHAM (after having voted in the affirmative). I wish to inquire whether the senior Senator from South Carolina [Mr. TILMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. DILLINGHAM. I have a general pair with that Senator. I transfer it to the senior Senator from Nebraska [Mr. BROWN] and vote. I vote "yea."

Mr. BOURNE (after having voted in the affirmative). In the absence of the Senator from Alabama [Mr. BANKHEAD], with whom I have a temporary pair, I withdraw my vote.

Mr. KERN. In the absence of the Senator from Kentucky [Mr. BRADLEY], I transfer my pair with him to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "nay."

The result was announced—yeas 40, nays 15, as follows:

#### YEAS—40.

Burnham	Fall	Martin, Va.	Smith, Md.
Burton	Fletcher	Martine, N. J.	Smith, Mich.
Catron	Foster	O'Gorman	Smoot
Chamberlain	Gallinger	Oliver	Stephenson
Clapp	Gamble	Page	Thomas
Crane	Jackson	Penrose	Thornton
Cullom	Jones	Perkins	Townsend
Curtis	Lippitt	Pomerene	Wetmore
Dillingham	Lodge	Richardson	Williams
du Pont	McLean	Root	Works

#### NAYS—15.

Bristow	Johnston, Ala.	Myers	Smith, Ga.
Chilton	Kenyon	Overman	Smith, S. C.
Gore	Kern	Sheppard	Webb.
Gronna	Lea	Smith, Ariz.	

#### NOT VOTING—40.

Ashurst	Bryan	Johnson, Me.	Poindexter
Bacon	Clark, Wyo.	Kavanaugh	Reed
Bankhead	Clarke, Ark.	La Follette	Shively
Borah	Crawford	McCumber	Simmons
Bourne	Culbertson	Nelson	Stone
Bradley	Cummins	Newlands	Sutherland
Brady	Dixon	Owen	Swanson
Brandeggee	Gardner	Payater	Tillman
Briggs	Guggenheim	Percy	Warren
Brown	Hitchcock	Pittman	Watson

So the amendment of the committee was agreed to.

The next committee amendment passed over was, on page 88, after line 12, to insert:

The reimbursement required to be made to the United States by the District of Columbia under the provisions of the sundry civil appropriation act approved August 24, 1912, on account of deficiencies in payments for the care and maintenance of the income of said District during the fiscal years 1881 to 1911, inclusive, is hereby fixed at \$719,536.09.

The amendment was agreed to.

The next committee amendment passed over was, on page 93, after line 14, to insert:

In connection with said reclamation and development of the Anacostia River and flats from the Anacostia Bridge to the District line, the Secretary of War is authorized to acquire by purchase or by condemnation, for highway and park purposes, the fee simple and absolute title to the land along the Anacostia River on both sides thereof between the high-water lines of said river, as determined by the United States Coast and Geodetic Survey, and lines following approximately the contour of 10 feet elevation on each side of said river above mean low water at the United States Navy Yard, from the Anacostia Bridge to the northeast boundary line between the District of Columbia and Maryland; and also all land below the high-water lines on each side of said Anacostia River between the limits named that is not now owned by the United States; and the appropriation herein made for the reclamation and development of the Anacostia River and flats from the Anacostia Bridge northeast to the District line, and all appropriations heretofore made for said purpose are hereby made available for the purchase or condemnation of said land and for the payment of amounts awarded as damages for said land and the costs and expenses of the condemnation proceedings in the event that it is necessary to institute such condemnation proceedings: *Provided*, That if said land or any part thereof can not be acquired by purchase from the owners thereof at a price satisfactory to the Secretary of War, the Commissioners of the District of Columbia, upon the request of the Secretary of War, shall institute condemnation proceedings to acquire such land under the provisions of chapter 15 of the Code of Law for the District of Columbia.

Mr. BURTON. I should like to ask a few questions in regard to that. Has any estimate been made as to the probable cost of these lands?

Mr. CURTIS. Mr. President, this item was put in the bill at the request of the District Commissioners, to carry out the provisions of the bill on page 93, from line 4 to line 14, where an appropriation of \$100,000 is made. I understand that in order to carry out that provision the commissioners must have authority to condemn this land. What it will cost, of course, I can not tell, but I judge it will come within the \$100,000.

Mr. BURTON. There is a very large area to be acquired under this provision. Is it not known that its cost would very much exceed \$100,000?

Mr. CURTIS. I could not say as to that. The item put in was stricken out in the House on a point of order, as I understand, and it was stated to the committee that unless the latter part was to put in it would be useless to leave in the former part.

Mr. BURTON. Does not this provision commit the Government, in conjunction with the District of Columbia, to acquire all that land?

Mr. CURTIS. I think so.

Mr. BURTON. It goes without saying that \$100,000 would not by any means pay for the whole of it.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

The next committee amendment passed over was, on page 94, after line 22, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for highway and park purposes to preserve the Klinge Road Valley, comprising approximately 26½ acres, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia: *Provided*, That the tract of land hereinafter described, containing about 2 acres, shall be excepted from condemnation for such park, viz, a detached portion of said described park lying at the extreme eastern end thereof, east of the east line of a proposed street 90 feet wide, said described land being land now assessed in the name of Thomas Armat.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by the jury as benefits against those lots, pieces, or parcels of land situated, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

Mr. BRISTOW. Mr. President, to save time I will make a point of order against that amendment.

The PRESIDENT pro tempore. Upon what ground does the Senator make the point of order?

Mr. BRISTOW. That it is general legislation.

Mr. CURTIS. Then, if that is done, there ought to be a further amendment, to strike out lines 20, 21, and 22.

Mr. BRISTOW. If the committee suggests that—

Mr. CURTIS. If the point of order is sustained, I move to strike out lines 20, 21, and 22.

The PRESIDENT pro tempore. The Chair sustains the point of order. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 94, it is proposed to strike out lines 20, 21, and 22 in the following words:

#### KLINGLE VALLEY PARK.

For grading and improving Klinge Road between Woodley Road and Rock Creek, \$12,000.

The amendment was agreed to.

The next committee amendment passed over was, on page 96, after line 18, to insert:

Under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are hereby authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land along and adjacent to the Piney Branch Valley and between Sixteenth Street and Fourteenth Street NW., and the land adjacent to the Municipal Hospital grounds between Fourteenth Street and Georgia Avenue NW., for park purposes, comprising in all approximately 42 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia.

There is appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages: *Provided*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized, plus the costs and expenses of the proceedings, not less than one-third shall be assessed by

the jury as benefits against those lots, pieces, or parcels of land situated, lying, or being within an assessment area hereby created, which assessment area shall embrace all of the area lying within the distance of one-fourth of a mile from any point of said park: *Provided further*, That all land owned by the United States or the District of Columbia lying within said assessment area shall be exempt from assessment, which benefits, when collected, shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts: *Provided further*, That the Commissioners of the District of Columbia are authorized to abandon for highway purposes any existing streets or parts of streets within the territory before described except Fourteenth Street: *Provided further*, That the Commissioners of the District of Columbia are authorized to prepare a new highway plan for that portion of the District of Columbia lying west of Fourteenth Street, south of Taylor Street, east of Rock Creek Park, and north of Newton Street NW., under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898: *Provided*, That section 4 of said amendment shall not apply to the territory above described: *Provided further*, That under this authority Mount Pleasant Street may be extended with a minimum width of 45 feet; that Perry Place may be extended with a minimum width of 50 feet; and that Fourteenth Street Road may be established with a minimum width of 50 feet; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of said District of Columbia.

Mr. BRISTOW. Mr. President, to save time I will make the same point of order on this amendment that I did on the other. As I stated yesterday, I do not think it is at all desirable to enlarge parks that now contain from 1,700 to 1,800 acres of forest by taking in a few acres on the side where people do not live in any great numbers. It is purely general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. CURTIS. Mr. President, in view of the sustaining of the point of order, I move to strike out lines 8 to 18, inclusive.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 96 it is proposed to strike out lines 8 to 18, inclusive, in the following words:

#### PINEY BRANCH VALLEY PARK.

For grading and improving a low, level road from Beach Drive, in Rock Creek Park, running along the Piney Branch Valley to Sixteenth Street and beyond Sixteenth Street so far as it may be necessary to return to the elevation of Sixteenth Street south of the bridge over Piney Branch with a suitable grade, \$24,000.

For grading and improving a road from a point near the bridge over Piney Branch at Sixteenth Street, in the road above described, running along the Piney Branch Valley to Fourteenth Street, \$21,000.

The amendment was agreed to.

The next committee amendment passed over was, on page 106, to strike out lines 13, 14, 15, and 16 in the following words:

#### INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, \$975,408, which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto.

Mr. CURTIS. That language naturally goes out as the result of the vote on the amendment on page 74.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading of amendments passed over has been concluded. The bill is still in Committee of the Whole and open to amendment.

Mr. KERN. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 58, after line 16, it is proposed to insert:

For the purchase of ground north of Rhode Island Avenue on which to erect an additional school building for the Woodridge and Langdon neighborhood, \$12,000.

Mr. KERN. That is recommended in the estimates, Mr. President.

The amendment was agreed to.

Mr. POMERENE. Mr. President, on yesterday I presented an amendment to the bill, to go in on page 106, which was, if I may explain to Senators who were not here at that time, to attach to this measure the public utilities bill just as it unanimously passed the Senate. The Senator from Utah [Mr. SMOOT] at that time made a point of order. I hope the Senator will withdraw it.

Mr. SMOOT. Mr. President, since I made the point of order upon the amendment offered by the Senator from Ohio I have had a good many Senators plead with me to withdraw the point of order. I stated last evening that I had voted for the same measure in the Senate. I am heartily in accord with it. There is no question that a point of order made against it would defeat the amendment. It is of such vital importance to the District, however, that I have come to the conclusion that I will withdraw my point of order and allow it to go on the bill, if no other Senator desires to make an objection.

I do this with a great deal of hesitancy, because I am led to believe that a great many amendments will be offered against which we shall be compelled to make points of order. As I stated, however, this matter is of vital importance, and as it seems to be almost the universal sentiment of the Senators present that it ought to go into the bill I have made up my mind to withdraw the point of order I made.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is upon the amendment submitted by the Senator from Ohio.

Mr. CLARKE of Arkansas. Let us have it reported, in order that we may see what it is.

Mr. OLIVER. In order to save the time that will be required to read the amendment—

Mr. CLARKE of Arkansas. I withdraw the request. I have been informed as to the nature of the amendment.

Mr. OLIVER. Mr. President, I am compelled to renew the point of order. As a member of the District Committee, I voted to report this measure. I voted for it when it passed the Senate. It is a measure of extreme importance, and the Senate has done its full duty in passing it. I think it is up to the House, now, to adopt it as a piece of separate legislation. I do not think such far-reaching legislation as this should be attached to appropriation bills. I therefore feel compelled to raise the point of order against it.

Mr. SMOOT. Before the Senator does that, let me say just a word. I understand the bill as it passed the Senate, embodying the same ideas, has been in the House, as suggested by me the last time the matter was spoken of by the Senator, for a considerable length of time. I am also informed that the committee never has considered the bill and has scarcely held a meeting. The bill that we now have before us is one that was reported from the Appropriations Committee of the House and not from the District Committee of the House.

Mr. OLIVER. Mr. President, that is all the more reason why the bill is entitled to consideration by a committee of the House. It has been thoroughly considered by the Senate, it has been passed by the Senate, and the appropriate committee of the House ought to consider and pass it. I feel like insisting on the point of order.

Mr. POMERENE. Mr. President, I hope the Senator will reconsider his determination. If this were a matter of new legislation that had not been fully considered in committee and in the Senate, I should not insist upon it for one minute. But I think every Member of this body who has given any attention to District matters recently must appreciate the fact that there is no legislation that is so greatly needed as is this particular bill.

I realize that this amendment is not in compliance with the rules of the Senate, if the point of order is insisted upon. But are we to stick strictly to technical points of order, and thereby fail to enact vital legislation? Let the responsibility lie elsewhere, if it may; but let us not kill legislation of this kind by a technical objection.

With all due respect to the Senator, I ask that this point of order may be submitted to the Senate for its judgment.

Mr. WORKS. Mr. President, it may be that, technically speaking, this amendment is subject to a point of order; but to my mind it is one of the most important pieces of legislation that has come before the Senate for the last two sessions. The chairman of the District Committee gave weeks of time to an effort to perfect a bill that would meet the necessities of the occasion. The bill was reported to the Senate and was thoroughly discussed here. Various amendments were proposed at that time, and in order to perfect the bill the chairman of the committee moved that it be again referred to the District Committee. It was there considered with a great deal of care, and I think is about as nearly a perfect bill as could be made under the circumstances. It passed the Senate almost unanimously; and the manner in which its passage has been prevented ought to lead us, if it is possible to do so, to waive the point of order and see that it becomes a law. I think it is exceedingly important; and therefore I hope the matter may be submitted to the Senate in order that the sense of the Senate may be taken upon it.

Mr. OLIVER. Mr. President, it is very hard for me to withstand such appeals as have been made in behalf of this amendment. I have only to call the attention of Senators to the fact that the Constitution prescribes that there shall be three parties to legislation—the Senate, the House, and the President. To attach general legislation to appropriation bills, which must be approved as a whole or not at all, simply deprives two of the constituent parties of a voice in the making of such legislation. Therefore I am opposed to putting general legislation in any appropriation bill except in case of extreme necessity.

The extreme necessity does not exist in this case, for the simple reason that in ample time the Senate adopted this measure and sent it to the House, and placed upon that body the responsibility of considering and acting upon it. Of course the House has a perfect right to take its time; but since it has not passed the bill, the responsibility is upon it.

As I said, I voted for this legislation when it passed the Senate. I took part in its consideration in the District Committee, of which I was then a member. I am in favor of it. I object to its insertion here, however, as a matter of principle, simply because I think the legislation, if enacted, should be enacted by the joint action of both Houses of Congress and the President, and that each one of them should have a chance to consider and pass upon it. Therefore I am compelled to insist upon my point of order.

The PRESIDENT pro tempore. Under clause 2 of Rule XX—The Presiding Officer may submit any question of order for the decision of the Senate.

In response to the appeals that have been made to the Chair to submit this question to the Senate, the Chair avails himself of the privilege of that rule and submits the question to the Senate, the question being, Is the amendment in order on the bill that is now under consideration?

Mr. OLIVER, Mr. BRISTOW, and Mr. LA FOLLETTE addressed the Chair.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator from Pennsylvania rose first.

Mr. OLIVER. I wish to say, Mr. President, that if the Chair, instead of taking the responsibility himself, intends to submit the question to the Senate, I have no doubt in the world what the result will be when it is submitted. Therefore, in order to save the time of the Senate, which is very valuable now, I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn.

Mr. BRISTOW. I desire to say what I rose to say, and that is that I intend to vote for this as an amendment. I am in favor of this legislation. It is not in order, however, if the point of order is made; and if it is submitted to the Senate I shall not vote that it is in order when I know it is not.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is upon the amendment offered by the Senator from Ohio [Mr. POMERENE].

The amendment was agreed to, as follows:

#### PUBLIC UTILITIES COMMISSION.

SEC. 8. That for the purpose of this act the term "commission" when used herein shall mean the public utilities commission of the District of Columbia created by this act.

The term "commissioner" when used in this act shall mean one of the members of such commission.

The term "public utility" as used in this act shall mean and embrace every street railroad, street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electrical corporation, water-power company, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipe-line company.

The term "service" is used in this act in its broadest and most inclusive sense.

The term "corporation" when used in this act includes a corporation, company, association, and joint-stock company or association.

The word "person" when used in this act includes an individual and a firm or copartnership.

The term "joint rates" when used in this act with reference to street railways shall be taken to mean rates between unrelated lines now in effect under existing law or under contract, or which may hereafter be specifically authorized by law.

The term "extension or extensions" when used in this act shall include the reasonable extension of the service and facilities of every street railroad, street railroad corporation, gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph line, and telegraph corporation as the same are defined in this act.

The term "street railroad" when used in this act includes every such railroad, whether wholly or partly in the District of Columbia, by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for compensation, and includes all equipment, construction, maintenance, repairs, switches, spurs, tracks, terminals, terminal facilities of every kind, trackage, joint or reciprocal trackage, transfers of passengers between street railways having connecting lines and street railways having independent lines, subways, tunnels, and stations, used, operated, or owned by or in connection with any such street railroad, and all the property of the same used in the conduct of its business.

The term "street railroad corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any street railroad or any cars or other equipment used thereon or in connection therewith.

The term "common carrier" when used in this act includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Steam railroads, the Washington Terminal Co., and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay.

peake Bay are excluded from the operation of this act, and are not included in the term "common carrier."

The term "gas plant" when used in this act includes all buildings, easements, real estate, mains, pipes, conduits, service pipes, services, pipe galleries, meters, boilers, water-gas sets, retorts, fixtures, condensers, scrubbers, purifiers, holders, materials, apparatus, personal property, and franchises, and property of every kind used in the conduct of the business operated, owned, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale, or furnishing of gas (natural or manufactured) for light, heat, or power.

The term "gas corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat, or power, or for any public use whatsoever in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, and in said District owning, operating, controlling, or managing any gas plant, except where the gas is made or produced and distributed by the maker on or through private property solely for its own use or the use of its tenants and not for sale to or for the use of others.

The term "electric plant" when used in this act includes all engines, boilers, dynamos, generators, storage batteries, converters, motors, transformers, cables, wires, poles, lamps, meters, easements, real estate, fixtures, and personal property, materials, apparatus, and devices of every kind operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale, or furnishing of electricity for light, heat, or power, and any conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying electrical conductors used or to be used wholly or in part for the transmission of electricity for light, heat, or power, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

The term "electrical corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any electric plant, including any water plant, or water property, or waterfalls, or dam, or water-power stations, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

The term "water-power company" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling any plant or property, dam or water supply, canal, or power station for the development of water power for the generation of electrical current or other power or for the distribution or sale of such electrical current or other power.

The term "telephone corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles for the reception, transmission, or communication of messages by telephone, telephonic apparatus or instruments, or any telephone line or part of telephone line, used in the conduct of the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication for hire.

The term "telephone line" when used in this act includes conduits, ducts, poles, wires, cables, cross arms, receivers, transmitters, instruments, machines and appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, appurtenances, and routes used, operated, controlled, or owned by any telephone corporation to facilitate the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication.

The term "telegraph corporation" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles, or property for the purposes of communication, or of transmitting or receiving messages by telegraph, or by any telegraphic apparatus or instrument, or any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph, or which licenses, lets, or permits telegraphic communication for hire.

The term "telegraph line" when used in this act includes conduits, ducts, poles, wires, cables, cross arms, instruments, machinery, appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, and routes used, operated, controlled, or owned by any telegraph corporation to facilitate the business of affording communication by telegraph for hire.

The term "pipe-line company" when used in this act includes every corporation, company, association, joint-stock company or association, partnership, or person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling the supply of any liquid, steam, or air through pipes or tubing to consumers for use or for lighting, heating, or cooling purposes, or for power.

This act shall apply to the transportation of passengers, freight, or property from one point to another within the District of Columbia, and any common carrier performing such service; and this act shall be so applicable and be so construed as to be free from conflict with those provisions of the Constitution of the United States and the laws in pursuance thereof relating to interstate commerce.

Corporations formed to acquire property or to transact business which would be subject to the provisions of this act, and corporations possessing franchises for any of the purposes contemplated by this act shall be deemed to be subject to the provisions of this act, although no property may have been acquired, business transacted, or franchises exercised.

SEC. 2. That every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished or rendered, or to be furnished or rendered, shall be reasonable, just, and non-discriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful. Every public utility is hereby required to obey the lawful orders of the commission created by this act.

SEC. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the use of the same by any other public utility whenever public convenience and necessity require such use, and such use will not result

in irreparable injury to the owners or other users of such equipment; nor in any substantial detriment to the service to be rendered by such owners or other users. In case of failure to agree upon such use, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owners or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users of such equipment, it shall by order direct that such use be permitted and prescribe conditions and compensation for such joint use. Such use so ordered shall be permitted and such conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed, and paid, subject to recourse to the courts upon the complaint of any interested party, as hereinafter provided, which provisions, so far as applicable, shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion.

SEC. 4. That the commission shall have power, after hearing and notice by order in writing, to require and compel every public utility to comply with the provisions of this act, and with all other laws of the United States applicable, and any municipal ordinance or regulation relating to said public utility, and to conform to the duties upon it thereby imposed or by the provisions of its own charter, if any charter has or shall be granted it: *Provided*, That nothing herein contained shall be held to relieve any public utility, its officers, agents, or servants, from any punishment, fine, forfeiture, or penalty for violation of any such law, ordinance, regulation, or duty imposed by its charter, nor to limit, take away, or restrict the jurisdiction of any court or other authority which now has or which may hereafter have power to impose any such punishment, fine, forfeiture, or penalty.

SEC. 5. That whenever any public utility or person shall propose any change in any law relating directly or indirectly to the property or operations of any public utility the said proposed change shall also and at the same time be submitted to the commission, which may take testimony and give a public hearing thereon, and the commission shall recommend such bills as will in its judgment protect the interests of the public and such public utility and transmit the same to the proper committees of the Senate and House of Representatives.

SEC. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public utility, and to replace all the physical properties belonging to the public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain the gross and net income of the public utility from all sources in detail, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this section is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

SEC. 7. That the commission shall value the property of every public utility within the District of Columbia actually used and useful for the convenience of the public at the fair value thereof at the time of said valuation.

SEC. 8. That before final determination of such value the commission shall, after notice of not less than 30 days to the public utility, hold a public hearing as to such valuation in the manner hereinafter provided for a hearing, which provisions, so far as applicable, shall apply to such hearing. The commission shall, within 10 days after such valuation is determined, serve a statement thereof upon the public utility interested, and shall file a like statement with the District Committees in Congress.

SEC. 9. That the commission may at any time, on its own initiative, make a revaluation of the property of any public utility.

SEC. 10. That every public utility shall keep and render to the commission, in the manner and form prescribed by the commission, uniform accounts of all business transacted. Every public utility engaged directly or indirectly in any other business than that of the conduct of a street railway, or the production, transmission, or furnishing of heat, light, water, or power, or the conveyance of telegraph or telephone messages, shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this act shall apply with like force and effect to the books, accounts, papers, and records of such other business.

SEC. 11. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this act, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

SEC. 12. That the commission shall cause to be prepared suitable blanks for carrying out the purposes of this act, and shall when necessary furnish such blanks to each public utility.

SEC. 13. That each public utility shall have an office within the District of Columbia in which it shall keep all such books, accounts, papers, and records as shall be required by the commission to be kept within the District of Columbia. No books, accounts, papers, or records required by the commission to be kept within the District of Columbia shall be at any time removed from the District of Columbia, except upon such condition as may be prescribed by the commission: *Provided*, That public utilities operating in the District of Columbia and elsewhere who have their general or executive offices outside of the Dis-

trict, may continue to keep their books, accounts, records, etc., at their executive or general offices, such public utilities being required, however, to produce before the commission such books, accounts, records, and papers from time to time as the commission may order.

SEC. 14. That the accounts shall be closed annually on the 31st day of December, and a balance sheet of that date promptly taken therefrom. On or before the 1st day of February following such balance sheet, together with such other information as the commission shall prescribe, verified by an owner or officer of the public utility, shall be filed with the commission, and a copy thereof transmitted to Congress.

SEC. 15. That the commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission. The agents, accountants, or examiners employed by the commission shall have authority, under the direction of the commission, to inspect and examine any and all books, accounts, papers, records, and memoranda kept by such public utilities.

SEC. 16. That every public utility shall carry a proper and adequate depreciation account. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in keeping the property of such public utility in repair and good and serviceable condition for the use to which it is devoted, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section, unless with the consent and by order of the commission.

SEC. 17. That the commission shall keep itself informed of all new construction, extensions, and additions to the property of all public utilities, and shall prescribe the necessary forms, regulations, and instructions to the officers and employees of all public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

SEC. 18. That nothing in this act shall be taken to prohibit a public utility, with the consent of the commission, from providing a sliding scale of rates and dividends according to what is commonly known as the Boston sliding scale, or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purposes of this act. Such arrangement shall be under the supervision and regulation of the commission. The commission shall ascertain, determine, and order such rates, charges, and regulations, and the duration thereof, as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates, charges, and regulations as the commission may ascertain and determine to be necessary and reasonable, and the right to alter or amend all orders relative thereto, is reserved and vested in the commission notwithstanding any such arrangement and mutual agreement.

SEC. 19. That each public utility shall furnish to the commission in such form and at such times as the commission shall require such accounts, reports, and information as shall show in itemized detail: Depreciation; salaries and wages; legal expenses; taxes and rentals; quantity and value of material used; receipts from residuals, by-products, services, or other sales; total and net costs; net and gross profits; dividends and interest; surplus or reserve; prices paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe, in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

SEC. 20. That the commission shall publish annual reports showing its proceedings relating to all the public utilities of each kind in the District of Columbia and such other occasional reports as it may deem advisable. The commission shall also publish in its annual reports the value of all property actually used and useful for the convenience of the public of every public utility as to whose rates, charges, service, or regulations any hearing has been held by the commission or the value of whose property has been ascertained by it under the provisions of this act.

SEC. 21. That the commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage, or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examining and testing such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

SEC. 22. That the commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

SEC. 23. That the commission may purchase such materials, apparatus, and standard measuring instruments for such examination and tests as it may deem necessary. The commission, its agents, experts, or examiners, shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided for in this act, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

SEC. 24. That every public utility shall file with the commission, within a time to be fixed by the commission, schedules, which shall be open to public inspection, showing all rates, tolls, and charges which it has established and which are in force at the time for any service performed by it within the District of Columbia, or for any service in connection therewith or performed by any public utility controlled or

operated by it. The rates, tolls, and charges shown on such schedules shall not exceed the rates, tolls, and charges now allowed by law, and shall be the lawful rates, tolls, and charges within the District of Columbia, and shall remain and be in force until set aside by the commission.

SEC. 25. That every public utility shall file with and as a part of such schedule all rules and regulations that in any manner affect the rates charged or to be charged for any service.

SEC. 26. That a copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type and kept on file in every station and office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and so as to be conveniently inspected.

SEC. 27. That where a schedule of joint rates or charges is, or may be, in force between two or more public utilities, such schedules shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public shall be filed in every such station or office, as provided in the preceding section.

SEC. 28. That no change shall thereafter be made in any schedule, including schedules of joint rates, except upon 10 days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof 10 days prior to the time the same are to take effect: *Provided*, That the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

SEC. 29. That copies of all new schedules shall be filed, as hereinbefore provided, in every station and office of such public utility where payments are made by consumers or users 10 days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

SEC. 30. That it shall be unlawful for any public utility to charge, demand, collect, or receive a greater or less compensation for any service performed by it within the District of Columbia, or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect, or receive any rate, toll, or charge not specified in such schedule. The rates, tolls, and charges named therein shall be the lawful rates, tolls, and charges until the same are changed as provided in this act.

SEC. 31. That the commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

SEC. 32. That the commission shall have power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits, and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it.

SEC. 33. That the commission shall keep itself informed as to the manner and method in which the business of all public utilities is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

SEC. 34. That the commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any public utility and to examine, under oath, any officer, agent, or employee of such public utility in relation to its business and affairs. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection or examination.

SEC. 35. That the commission may require, by order or subpoena, to be served upon any public utility in the same manner that a summons is served in a civil action in the Supreme Court of the District of Columbia, the production within the District of Columbia at such time and place as it may designate of any books, accounts, papers, or records kept by such public utility in any office or place without the District of Columbia, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission under its direction. Any public utility failing or refusing to comply with any order or subpoena shall for each day it shall so fail or refuse forfeit and pay to the District of Columbia the sum of \$100, to be recovered in an action to be brought in the name of said District.

Attendance of witnesses and the production of such documentary evidence may be required from any place in the United States. And in case of disobedience to a subpoena the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this act. And the said commission is hereby given power to call on any district attorney of the United States, the corporation counsel of the District of Columbia, or any counsel of the commission to enforce the provisions of this act in the proper courts of the United States, and on such call it shall be the duty of the said district attorney, corporation counsel, or any counsel of the commission, upon request of said commission, to enforce the provisions of this section, the costs and expenses incurred to be paid out of the appropriations for the expenses of the courts of the United States.

SEC. 36. That for the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent, whose duties shall be prescribed in such order. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission and shall have power to administer oaths and take depositions. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent or agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only, and shall not preclude the taking of further testimony, if the commission so order, nor further investigation.

SEC. 37. That every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this act, and shall make specific answers to all specific questions submitted by the commission. Any public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer, fully and correctly, each question therein propounded, and in case it is unable to answer any question it shall give a good and sufficient reason for such failure; and said answer

shall be verified under oath by the president, secretary, superintendent, or general manager of such public utility, and returned to the commission at its office within the period fixed by the commission. Whenever required by the commission, every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers, and all documents, books, accounts, papers, and records, or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

Sec. 38. That upon its own initiative or upon reasonable complaint made against any public utility that any of the rates, tolls, charges, or schedules, or services, or time and conditions of payment, or any joint rate or rates, schedules, or services, are in any respect unreasonable or unjustly discriminatory, or that any time schedule, regulation, or act whatsoever affecting or relating to the conduct of any street railway or common carrier, or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any service in connection therewith, or the conveyance of any telegraph or telephone message, or any service in connection therewith, is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may, in its discretion, proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, or act complained of shall be entered by the commission without a formal hearing.

Sec. 39. That the commission shall prior to such formal hearing notify the public utility complained of that a complaint has been made, and 10 days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

Sec. 40. That the commission shall give the public utility and the complainant, if any, 10 days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

Sec. 41. That if upon such investigation the rates, tolls, charges, schedules, or joint rates shall be found to be unjust, unreasonable, insufficient, or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this act, the commission shall have power to determine and by order fix and order substituted therefor such rate or rates, tolls, charges, or schedules as shall be just and reasonable. If upon such investigation it shall be found that any regulation, time schedule, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory, or otherwise in violation of any of the provisions of this act, or if it be found that reasonable service is not supplied, the commission shall have power to determine and substitute therefor such other regulations, time schedules, service, or acts and to make such order respecting and such changes in such regulations, time schedules, service, or acts as shall be just and reasonable. And upon any investigation for the purpose of determining upon and requiring any reasonable extension or extensions of lines or of service that shall promise to be compensatory within a reasonable time, the commission shall have power to fix, determine, and require every such extension or extensions to be made and the terms and conditions upon which the same shall be made: *Provided*, That no hearing shall be had and no order shall be made respecting such extension or extensions without notice to the public utility affected thereby, as provided in section 40 of this act.

Sec. 42. That if upon investigation it shall be found that any rate, toll, charge, schedule, or joint rate, or rates, is unjust, unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise in violation of any of the provisions of this act, or that any time schedule, regulation, act, or service complained of is unjust, unreasonable, insufficient, preferential, or otherwise in violation of any of the provisions of this act, or if it be found that reasonable service is not supplied, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

Sec. 43. That the commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall of necessity at any time be dismissed because of the absence of direct damage to the complainant.

Sec. 44. That whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any reasonable service is not supplied, or that an investigation of any matter relating to any public utility should for any reason be made, it may, on its own motion, summarily investigate the same with or without notice.

Sec. 45. That if after making such investigation the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

Sec. 46. That notice of the time and place for such hearing shall be given to the public utility and to such other interested persons as the commission shall deem necessary, as provided in section 40 of this act, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

Sec. 47. That any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by the commission or upon reasonable complaint as hereinafter provided.

Sec. 48. That each of the commissioners and every agent provided for in section 36 of this act, for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner, or any subpoena, or on the refusal of any witness to testify to any matter regarding which he may be interrogated before the commission or its agent authorized, it shall be the duty of the Supreme Court of the District of Columbia, or a judge thereof, on application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Sec. 49. That each witness who shall appear before the commission or its agent by its order shall receive for his attendance the fees and

mileage now provided for witnesses in the Supreme Court of the District of Columbia, which shall be audited and paid in the same manner as fees in criminal cases within the District of Columbia are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the chairman of the commission. No witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated, and that his attendance as a witness was reasonably necessary.

Sec. 50. That the commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the District of Columbia to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

Sec. 51. That a full and complete record shall be kept of all proceedings had before the commission or its agent on any formal investigation had, and all testimony shall be taken down by a stenographer appointed by the commission.

Sec. 52. That whenever any complaint is served upon the commission under the provisions of this act the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the Supreme Court of the District of Columbia.

Sec. 53. That a transcribed copy of the evidence and proceedings or any specific part thereof, in any investigation taken by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of all the testimony in the investigation or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had in such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified. A copy of such transcript shall be furnished on demand, free of cost, to any party to such investigation.

Sec. 54. That no franchise nor any right to or under any franchise to own or operate any public utility as defined in this act or to use the tracks of any street railroad shall be assigned, transferred, or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever unless the assignment, transfer, lease, contract, or agreement shall have been approved by the commission in writing. The permission and approval of the commission to the assignment, transfer, or lease of a franchise under this section shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise or to waive any forfeiture. It shall be unlawful for any street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stock or bonds without such written authority shall be void and of no effect.

Sec. 55. That the commission shall, within its jurisdiction—  
Have general supervision of all gas corporations and electrical corporations having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any corporation.

Investigate and ascertain from time to time the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas or electricity for light, heat, or power, and in transmitting the same, and have power to order such reasonable improvements as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution thereof or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations and electrical corporations.

Have power by order to fix from time to time standards for determining the purity or the measurement of the illuminating power of gas to be manufactured, distributed, or sold by persons or corporations for lighting, heating, or power purposes, and to prescribe from time to time the efficiency of the electric supply system, of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current, and by order to require the gas so manufactured, distributed, or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed, or sold by such persons or corporations for lighting, heating, or power purposes conforms to the standards of illuminating power, purity, and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied, and of the lamps furnished conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering, and supplying gas or electricity, and shall have access, through its members or persons employed and authorized by it to make such examinations and investigations, to all parts of the manufacturing plants owned, used, or operated for the manufacture, transmission, or distribution of gas or electricity by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 for each offense.

Sec. 56. That no gas corporation or electrical corporation shall begin the construction of a gas plant or electric plant without first having obtained the permission and approval of the commission.

Sec. 57. That the commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the commission, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat, or power furnished by any person or corporation

to or for the use of any person or corporation, and when found to be or made to be correct, the inspector shall seal all such meters and each of them with some suitable device, which device shall be recorded in the office of the commission.

No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected, proved, and sealed by an inspector of the commission.

The commission shall appoint inspectors of electric meters, whose duty it shall be, when required by the commission, to inspect, examine, and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation, and to inspect, examine, and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters; and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device, which device shall be recorded in the office of the commission. No corporation or person shall furnish, set, or put in use any electric meter the type of which shall not have been approved by the commission or any meter not approved by an inspector of the commission.

Every gas corporation and electrical corporation shall provide, repair, and maintain such suitable premises and apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas and electric meters furnished for use by it, and by which apparatus every meter may be tested.

If any consumer to whom a meter has been furnished shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested; if the same, on being so tested, shall be found to be more than 4 per cent, if an electric meter, or more than 2 per cent, if a gas meter, defective or incorrect to the prejudice of the consumer, the inspector shall order the gas or electrical corporation forthwith to remove the same and to place instead a correct meter, and the expense of such inspection and test shall be borne by the corporation; if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer.

The commission shall prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary and shall fix uniform reasonable charges for the inspection and testing of meters upon complaint.

SEC. 58. That if it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

SEC. 59. That the appointment and power to remove the inspector of gas and meters and assistant inspectors of gas and meters from office is hereby vested in the commission. All the powers and duties of such inspectors conferred and imposed by statute shall be exercised and performed under the supervision and control of the commission: *Provided*, That the salaries of the inspector of gas and meters and every assistant inspector of gas and meters shall continue to be paid as heretofore and as now provided by act of Congress.

SEC. 60. That the inspector of gas and meters now provided for by law shall transfer and deliver to the commission all books, maps, papers, records, apparatus, and the property of whatsoever description in his possession, and said commission is authorized to take possession of all books, maps, papers, records, apparatus, and property of whatsoever description.

SEC. 61. That all public utilities to which an order of the commission applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such reasonable time thereafter as the commission shall prescribe.

SEC. 62. That the commission may, at any time, upon notice to the public utility and after opportunity to be heard as provided in section 40 of this act, rescind, alter, or amend any order fixing any rate or rates, tolls, charges, or schedules, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

SEC. 63. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

SEC. 64. That if at any time the commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this act, they are authorized and empowered to institute a proceeding in equity in the Supreme Court of the District of Columbia petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

That any public utility and any person or corporation interest being dissatisfied with any order or decision of the commission fixing any valuation, rate or rates, tolls, charges, schedules, joint rate or rates, may commence a proceeding in equity in the Supreme Court of the District of Columbia against the commission, as defendants, to vacate, set aside, or modify any such decision or order on the ground that the valuation, rate or rates, tolls, charges, schedules, joint rate or rates fixed in such order is unlawful, inadequate, or unreasonable. The answer of the commission, on any such action being instituted against it, or the answer of any public utility on any such action being commenced by said commission against it, shall be filed within 10 days, whereupon said proceeding shall be at issue and stand ready for trial.

All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the Supreme Court of the District of Columbia shall always be deemed open for the trial thereof, and the same shall be tried and determined as are equity proceedings in said court. Any party, including said commission, may appeal from the order of decree of said court to the Court of Appeals of the District of Columbia, and therefrom to the Supreme Court of the United States, which shall thereupon have and take jurisdiction in every such appeal. That pending the decision of said appeal the commission may suspend the decision or order appealed from for such a period as it may deem fair and reasonable under the circumstances: *Provided*, That no appeal, unless the court or the commission shall so order, shall operate to stay any order of the commission: *And provided further*, That said com-

mission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any public utility or person, nor required in any case to make any deposit for costs or pay for any service to the clerks of any court or to the marshal of the United States.

SEC. 65. That every proceeding, action, or suit to set aside, vacate, or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to prevent in any way such order or determination from becoming effective, shall be commenced, and every appeal to the courts or right of recourse to the courts shall be taken or exercised, within 120 days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding, or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such 120 days.

SEC. 66. That no injunction shall issue suspending or staying any order of the commission, except upon application to the Supreme Court of the District of Columbia or a judge thereof, and only upon notice to the commission and after hearing had.

SEC. 67. That if upon trial of such proceeding or suit evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said proceeding for 15 days from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend, or rescind its order relating to such valuation, rate or rates, tolls, charges, schedules, joint rate or rates, time schedules, regulations, act, or service complained of in said action, and shall report its action thereon to said court within 10 days from receipt of such evidence.

SEC. 68. That if the commission shall rescind its order complained of the proceeding or suit shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

SEC. 69. That in all trials, actions, and proceedings arising under the provisions of this act or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction, or order of said commission to show by clear and satisfactory evidence that the determination, requirement, direction, or order of the commission complained of is inadequate, unreasonable, or unlawful, as the case may be.

SEC. 70. That no person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

SEC. 71. That upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

SEC. 72. That the power to create liens on corporate property by public utilities in the District of Columbia is hereby declared to be a special privilege, the right of supervision, regulation, restriction, and control of which is hereby vested in the public-utilities commission of the District of Columbia, and such power shall be exercised according to the provisions of this act.

SEC. 73. That no public utility shall hereafter issue any stocks, stock certificates, bonds, mortgages, or any other evidences of indebtedness payable in more than one year from date, until it shall have first obtained the certificate of the commission showing authority for such issue from the commission.

SEC. 74. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness for money, property, or services, either directly or indirectly, nor shall it receive any money, property, or services in payment of the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the certificate of the commission in this act provided for.

SEC. 75. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

SEC. 76. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating, and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

SEC. 77. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidences of indebtedness to any other purpose or issue the same on any less favorable terms than that specified in the certificate issued by the commission.

SEC. 78. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this act shall be void.

SEC. 79. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this act, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, one-half to the credit of the District of Columbia, not less than \$1,000 nor more than \$10,000 for each offense.

SEC. 80. That each and every director, president, secretary, or other official of any such public utility who shall make any false statement to secure the issue of any stock, certificate of stock, bond, mortgage, or other evidence of indebtedness, or who shall, by false statement knowingly made, procure the commission the making of the certificate herein provided, or issue, with knowledge of such fraud, negotiate, or cause to be negotiated, any such stock, certificate of stock, bond, mortgage, or other evidence of indebtedness in violation of this act, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than \$1,000, or by imprisonment for a term of not less than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 81. That if any public utility or any agent or officer thereof shall, directly or indirectly, by any device whatsoever, or otherwise, charge, demand, collect, or receive from any person, firm, or corporation a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the conduct of a street railroad or street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electric corporation, water power company, telephone line, telephone corporation, telegraph line, or telegraph corporation, or pipe line company, or to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the conveyance of telephone or telegraph messages, or for any service in connection therewith than that prescribed in the public schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person, firm, or corporation other than one conducting a like business for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be a misdemeanor and unlawful, and upon conviction thereof shall forfeit and pay to the District of Columbia not less than \$100 nor more than \$1,000 for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$100 for each offense.

SEC. 82. That it shall be unlawful for any public utility to demand, charge, collect, or receive from any person, firm, or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm, or corporation of any part of the facilities incident thereto: *Provided*, That nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the supply of any liquid, steam, or air, through pipes or tubing, or the conveyance of telegraph or telephone messages, and paying a reasonable rental therefor; or as requiring any public utility to furnish any part of such appliances which are situated in and upon the premises of any consumer or user, except telephone station equipment upon the subscriber's premises, and, unless otherwise ordered by the commission, meters, and appliances for measurements of any product or service.

SEC. 83. That it shall be unlawful for any person, firm, or corporation to solicit, accept, or receive any rebate, concession, or discrimination in respect to any service in or affecting or relating to any public utility or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any liquid, steam, or air, or the conveying of telegraph or telephone messages within the District of Columbia, or for any service in connection therewith whereby any such service shall, by any device whatsoever or otherwise, be rendered free or at a less rate than that named in the schedules and tariffs in force as provided in this act, or whereby any service or advantage is received other than is in this act specified. Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$200 nor more than \$1,000 for each offense.

SEC. 84. That any officer, agent, or employee of any public utility who shall fail or refuse to fill out and return any blanks, as required by this act, or shall fail or refuse to answer any question therein propounded, or shall knowingly or willfully give a false answer to any such question, or shall evade the answer to any such question where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner, or any person authorized to examine the same, any book, paper, account, record, or memoranda of such public utility which is in his possession or under his control, or who shall fail to properly use and keep his system of accounting, or any part thereof, as prescribed by the commission under this act, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200 nor more than \$1,000 for each offense, and a penalty of not less than \$500 nor more than \$2,000 shall, on conviction, be imposed on the public utility for each such offense when such officer, agent, or employee acted in obedience to the direction, instruction, or request of such public utility or any general officer thereof.

SEC. 85. That if any public utility shall violate any provision of this act, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect, or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal such public utility shall forfeit and pay to the District of Columbia the sum of \$200 for each such offense. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment and instructions shall in every case be deemed to be the act, omission, or failure of such public utility.

SEC. 86. That any person who shall destroy, injure, or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agents shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding \$100 or imprisonment for a period not exceeding 30 days, or both.

SEC. 87. That every day during which any public utility, or any officer, agent, or employee thereof, shall fail knowingly or willfully to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this act, shall constitute a separate and distinct violation of such order, or direction, or of this act, as the case may be.

SEC. 88. That whenever, after hearing and investigation as provided in this act, the commission shall find that any rate, toll, charge, regulation, or practice of any public utility within the District of Columbia is unreasonable or discriminatory, it shall have the power to regulate, fix, and determine the same as provided in this act.

SEC. 89. That every public utility shall, whenever an accident attended with loss of human life or personal injury without loss of human life occurs within the District of Columbia, upon its premises, or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith.

SEC. 90. That the commission shall inquire into any neglect or violation of the laws or regulations in force in the District of Columbia by any public utility doing business therein or by the officers, agents, or employees thereof, or by any person operating the plant of any public utility, and shall have the power, and it shall be its duty, to enforce the provisions of this act as well as all other laws relating to public utilities.

SEC. 91. That the corporation counsel of the District of Columbia shall be the general counsel of the commission and shall receive from and be paid out of the appropriations provided and to be provided for the expenses of the commission in addition to his compensation otherwise provided by law the sum of \$1,000 per annum, payable in equal monthly installments. It shall be the duty of the general counsel to represent and appear for the commission in all actions and proceedings involving any question under this act, or under or in reference to any act, order, or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the commission, and to expedite, in every way possible, final and just determination of all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and of the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him. The assistants to the corporation counsel shall perform such duties relating to matters arising under this act and all other matters as the corporation counsel may prescribe. The commission may, if at any time it deems necessary, employ other attorneys at law as additional assistants to the said general counsel for the performance of such extraordinary legal services for or in behalf of the commission at such special compensation for such additional assistants as the commission may prescribe, which said compensation shall be paid out of the appropriations herein provided and hereafter to be provided for the expenses of the commission. The said corporation counsel and any of his assistants designated by him or by the commission shall have the right to appear and prosecute any civil, quasi criminal, or criminal case to recover any penalty, forfeiture, fine, or for the imposition of any punishment provided for in this act, whether instituted by or on behalf of the United States of America or by or on behalf of the District of Columbia, or otherwise, and on every appeal provided by law. The commission may enforce its orders in any case by mandamus or other legal or equitable remedy in any court of competent jurisdiction, and it shall be the duty of the corporation counsel or his assistants to represent the commission in every such proceeding.

SEC. 92. That the provisions of this act shall be interpreted and construed liberally in order to accomplish the purposes thereof, and where any specific power or authority is given the commission by the provisions of this act the enumeration thereof shall not be held to exclude or impair any power or authority otherwise in this act conferred on said commission. The commission hereby created shall have, in addition to the powers in this act specified, mentioned, and indicated all additional, implied, and incidental power which may be proper and necessary to effect and carry out, perform and execute all the said powers herein specified, mentioned, and indicated. A substantial compliance with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto. That each section of this act, and every part of each section, are hereby declared to be independent sections, and the holding of any section or sections or part or parts thereof to be void, ineffective, or unconstitutional for any cause shall not be deemed to affect any other section or part thereof.

SEC. 93. That this act shall not have the effect to release or waive any right of action by the United States, or by the District of Columbia, or by any person, for any right, penalty, or forfeiture which may have arisen or which may hereafter arise under any law of the United States or any regulation in force in the District of Columbia; and all penalties and forfeitures accruing under this act shall be cumulative, and a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

SEC. 94. That, first, unless the commission shall otherwise order, it shall be unlawful for any public utility within the District of Columbia to demand, collect, or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service under the law in force at the date of the passage of this act; second, every public utility in the District of Columbia shall, within 30 days after the passage and publication of this act, file in the office of the commission copies of all schedules of rates and charges, including joint rates, in force at the date of the passage of this act; third, any public utility desiring to advance or discontinue any such rate or rates may make application to the commission in writing, stating the advance in or discontinuance of the rate or rates desired, giving the reasons for such advance or discontinuance; fourth, upon receiving such application the commission shall fix a time and place for hearing, and give such notice to interested parties as shall be proper and reasonable; if, after such hearing and investigation, the commission shall find that the change or discontinuance applied for is reasonable, fair, and just, it shall grant the application, either in whole or in part; fifth, any public utility being dissatisfied with any order of the commission made under the provisions of this section may commence a proceeding against it in the Supreme Court of the District of Columbia in the manner as is in this act hereinbefore provided, which action shall be tried and determined in the same manner as is in this act hereinbefore provided.

SEC. 95. The commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this act, and to fix and pay their compensation within the appropriations provided by Congress. The commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying

out the purposes of this act. All payments and disbursements, as provided in this act, shall be made by the disbursing officer of the District of Columbia upon proper vouchers, certified as required by the commission; and the commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan Police Force of the District of Columbia to perform any of the duties which the commission may from time to time, respectively, assign to them, and to employ any assistance and fix compensation therefor within the limits of the appropriations for its use herein or hereafter made by act of Congress.

Sec. 96. That the said commission shall hereafter exercise all the powers and have all the authority now vested by law in the Interstate Commerce Commission by virtue and under the act of Congress approved May 23, 1908, entitled "An act authorizing certain extensions to be made of the lines of the Anacostia & Potomac River Railroad Co., the Washington Railway & Electric Co., the City & Suburban Railway of Washington, and the Capital Traction Co., in the District of Columbia, and for other purposes," and said power and authority shall no longer be exercised by said Interstate Commerce Commission: *Provided*, That the orders, rules, and regulations made by the Interstate Commerce Commission shall continue to be in force until changed, repealed, altered, or amended by the commission created by this act, which said commission is hereby given power and jurisdiction to issue and, at its pleasure, to revoke all permits, or licenses, to carry this act into effect, and its rules and regulations shall be valid and binding on all public-service corporations and on all persons.

Whenever the commission shall be of opinion, after hearing had upon its own motion or upon complaint, that repairs, improvements, or changes in any street railroad, gas plant, electric plant, telephone line, telegraph line, pipe line, water-power plant, or the facilities of any common carrier ought reasonably to be made, or that any addition of service or equipment ought reasonably to be made thereto, or that the vehicles or cars of any street railroad or common carrier are unclean, insanitary, uncomfortable, inconvenient, or improperly equipped, operated, or maintained, or are in need of paint, or unsightly in appearance, or that any addition ought reasonably to be made thereto, in order to promote the comfort or convenience of the public or employees, or in order to secure adequate service or facilities, the commission shall have power to make and serve an order directing that such repairs, improvements, changes, or additions to service or equipment be made within a reasonable time and in a manner to be specified therein, and every such public utility is hereby required and directed to obey every such order of the commission.

Sec. 97. That all the powers created by this act and the duty of carrying this act into effect and enforcing the provisions thereof are hereby vested in and imposed on the Commissioners of the District of Columbia as a governmental and administrative agency, and said powers shall be exercised and said duties performed as additional and super-added powers to their powers and duties as Commissioners of the District of Columbia. The powers, authority, and duties hereby imposed on and granted said commissioners shall be permanent and are hereby imposed on and granted to the present Commissioners of the District of Columbia and their successors in office. The commission created by this act shall, so soon as convenient after its passage, organize by electing one of its number chairman, who shall serve until the first Monday in January, 1913. On the first Monday in January in each even-numbered year the commissioners shall meet and elect a chairman, who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Any investigation, inquiry, or hearing within the powers of the commission may be made or held by any commissioner, whose acts and orders, when approved by the commission, shall be deemed to be the order of the commission. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings pertaining to public utilities.

No commissioner shall be directly or indirectly interested in any public utility or in any stock, bond, mortgage, security, or contract of any such public utility; and if any such commissioner shall voluntarily become so interested his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails so to do his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, in any public utility in the District of Columbia or elsewhere.

Sec. 98. That the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, one-half out of the revenues of the District of Columbia and one-half out of any moneys in the Treasury not otherwise appropriated, and all moneys received from fines, forfeitures, and penalties shall be paid into the Treasury of the United States, one-half to the credit of the District of Columbia.

Sec. 99. That all the duties, powers, and authority of the Commissioners of the District of Columbia shall continue and remain in full force and effect notwithstanding this act; and all powers, authority, and duties of the municipality known as the District of Columbia and all rights vested in said municipality shall continue and remain in full force and effect notwithstanding this act. All the lawful ordinances and regulations made by the Commissioners of the District of Columbia as such, and all other lawful municipal ordinances and regulations, shall continue and remain in full force and effect, and may be altered, changed, or amended, and new ordinances and regulations may be made by the Commissioners of the District of Columbia, acting as such, hereafter, notwithstanding this act: *Provided*, That when any order of the commission created by this act shall be made which shall be inconsistent and repugnant to any municipal ordinance or regulation, or any ordinance or regulation made or to be made by the Commissioners of the District of Columbia, acting as such, then and in such event the order of the commission created by this act shall be given full force and effect, notwithstanding such municipal ordinance or regulation.

Sec. 100. That the board of directors of every public utility shall consist of not more than 15 nor less than 7 members, within which limitation the membership may be in any case increased or diminished, as the stockholders may from time to time determine.

Sec. 101. That, except as modified or changed by this act and until modified or changed under its provisions, all charters, statutes, laws,

ordinances, and regulations now in force shall remain and continue to be in full force and effect until altered, amended, or repealed according to law: *Provided*, That all charters, statutes, acts, and parts of acts, laws, ordinances, and regulations inconsistent and repugnant to the provisions of this act, and only so far as inconsistent and repugnant thereto, are hereby repealed.

Sec. 102. That this act shall not affect pending actions or proceedings, civil or criminal, or quasi criminal, but the same may be prosecuted or defended as heretofore provided by law or regulation.

Sec. 103. That Congress reserves the right to alter, amend, or repeal this act.

Mr. SMITH of Arizona. I send to the Secretary's desk and offer the amendment that is indicated by the pencil mark on the paper.

The PRESIDENT pro tempore. The amendment will be read. The SECRETARY. On page 69, after line 9, insert:

For the equipment and maintenance of the bacteriological laboratory and for reference books and scientific journals, \$2,100.

Mr. SMITH of Arizona. I ask the Secretary to read the paper which accompanies the amendment.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Arizona to the fact that the language is already in the bill, the only difference being in the amount appropriated. So the amendment would apply only to the amount.

Mr. SMOOT. I wish to make a point of order against the amendment. The committee has had this matter under consideration—

Mr. SMITH of Arizona. That does not raise a point of order.

Mr. SMOOT. I am perfectly aware of that, if the Senator will permit me, but it is legislation upon an appropriation bill, and I make the point of order against the amendment.

The PRESIDENT pro tempore. The Chair will inquire as to whether the amount named in the amendment has been estimated for.

Mr. SMITH of Arizona. Yes, sir; it is in the estimates.

Mr. CURTIS. Will the Chair please have the Secretary read the amendment again?

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 69, line 9, strike out "\$1,000" and insert "2,100."

Mr. SMITH of Arizona. Very well; let it go that way.

Mr. SMOOT. It is not estimated for. The amount estimated is \$1,200.

Mr. SMITH of Arizona. How much has been allowed by the House?

Mr. SMOOT. One thousand dollars.

Mr. SMITH of Arizona. How does the point of order lie against the House here to increase it?

Mr. SMOOT. It has not been estimated for up to \$2,000.

Mr. SMITH of Arizona. Does a point of order lie because the estimate does not reach this amount, and is the Senate foreclosed from exercising its judgment on it?

Mr. SMOOT. Mr. President, in looking over the Book of Estimates again I find that I was mistaken. The estimate of \$1,200 is for the purchase and installation of new apparatus for the laboratory, but for maintaining and keeping in order the laboratory the estimate is \$400. The House increased it from \$400 to \$1,000.

Mr. SMITH of Arizona. How can the Senator raise a point of order under that?

Mr. SMOOT. The point of order is that it has not been estimated for.

The PRESIDENT pro tempore. The point of order is sustained, inasmuch as the amount named in the amendment is not estimated for.

Mr. SMITH of Arizona. I asked to have the paper read, and I was taken off my feet by the point of order. I ask unanimous consent, if necessary, that the Secretary will read the paper accompanying the amendment. I wish to say to the Senate that I am acting for a Senator in this matter who is absent, and not for myself, or I would not trouble the Senate with it.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

In the estimates submitted by the health officer (see p. 749, Book of Estimates for 1913-14) there is given a list in detail of the articles, etc., for the proper equipment and the maintenance of the bacteriological laboratory for the next fiscal year; the amount required for new apparatus, for replacement of apparatus now worn out; and for the ordinary supplies; in all, \$2,100.

The House bill allows only \$1,000 of the amount asked for, which is entirely too small to meet the requirements of such a laboratory. This amount will be barely sufficient to keep the laboratory on its present basis, and will not allow for doing the work it is called upon to do and should do. Its function is to aid in the suppression of epidemic and contagious diseases and for the bacteriological examination of water, milk, and other food products; and without a sufficient sum being provided for its proper equipment and maintenance this can not be done.

Mr. SMITH of Arizona. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Insert, after line 10 on page 59, the following:

For equipment and maintenance of the chemical laboratory, \$1,855.

Mr. SMOOT. I make the point of order that the amount asked for is not estimated for. The amount estimated for in the Book of Estimates is \$1,200.

Mr. SMITH of Arizona. Let me understand the point of order, Mr. President.

The PRESIDENT pro tempore. The Chair will read that portion of the rule relating to amendments to appropriation bills:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. SMITH of Arizona. I will take the ruling of the Chair on it.

The PRESIDENT pro tempore. The Chair must rule that the amendment is not in order unless it is estimated for or has been recommended by some standing committee.

Mr. SMITH of Arizona. Then I offer the next amendment on the same page. I will take this occasion, however, before it is read to say that these items were left for me by the Senator from Oklahoma [Mr. OWEN], who was compelled to leave the Senate; and I must insist as far as I can on having the amendments voted on if a point of order does not lie against them.

The PRESIDENT pro tempore. The Senator from Arizona offers an amendment, which will be read.

The SECRETARY. On page 69, line 17, strike out "\$240" and insert "\$360."

The PRESIDENT pro tempore. This does not seem to be the right point in the bill.

Mr. SMITH of Arizona. Probably the page and line refer to the House print.

Mr. SMOOT. I suppose that is for the use of motor vehicles. The House appropriated \$240. There is no particular estimate for that amount. The House thought it would require \$240 per annum, and so did the Senate committee think the same amount necessary.

I will say to the Senator from Arizona that the same item was adopted in a good many other places in the bill, and they all carry \$240. Therefore, I make the point of order against the amendment.

The PRESIDENT pro tempore. If the item has not been estimated for or recommended by a standing or select committee, the Chair will sustain the point of order.

Mr. JONES. Mr. President, I was heartily in favor of the amendment offered by the Senator from Ohio [Mr. POMERENE] being placed on this bill. Last April there was another measure prepared; after very great consideration and investigation it passed the Senate practically unanimously; and I think it is really of greater importance to the District of Columbia than that bill. I refer to the excise bill. It is a bill in which the people of the District have manifested more interest than in almost any other bill that has been proposed for them.

I recognize that the measure is subject to a point of order, but I do think that the considerations in favor of putting this amendment upon the bill are even greater than those that influenced us in putting the public-utilities amendment upon the bill.

Therefore I offer as an additional section the excise bill. It has been read in the Senate, and I do not think it is necessary to reread it.

Mr. JONES's amendment was to insert as a new section the following:

SEC. 3. PARAGRAPH 1. That no person, company, copartnership, association, club, or corporation shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, in the District of Columbia, any intoxicating liquors, except as hereinafter provided. Wherever the term "intoxicating liquors" is used in this section it shall be deemed to include whisky, brandy, gin, wine, cordials, rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors which shall contain more than 2 per cent, by weight, of alcohol, and any mixture of liquor which shall contain less than 2 per cent of alcohol, if the same shall be intoxicating.

PAR. 2. That there shall be, and is hereby, constituted an excise board for the District of Columbia, which shall be composed of three members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall serve for a term of three years, and until their successors are appointed and qualified, except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by the President, or until their successors are appointed and qualified. The salary of said commissioners shall be at the rate of \$2,400 per annum.

Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is deemed objectionable by said board.

No saloon or barroom, other than in hotels and clubs, shall be licensed, allowed, or maintained within 150 feet of any other saloon or barroom.

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums.

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 600 feet of any public schoolhouse, private school, college, or university, or within 500 feet of any place of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and public schoolhouse, private school, college, or university, or place of religious worship.

No license shall be granted to sell intoxicating liquors in the waiting room of any station or depot of any steam or electric railroad or other carrier for the transportation of passengers within the District of Columbia, nor shall any license be granted for the sale of intoxicating liquors within 150 feet of the railroad and terminal station building at the corner of M and Thirty-sixth Streets NW.

No license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section: *Provided*, That no license shall be granted for any saloon or barroom or any side of any square, block, or tract of land where less than 50 per cent of the houses and buildings, not including saloons or hotels and clubs having barroom licenses under this section, thereon are used for business purposes; and no place where intoxicating liquors are sold at wholesale shall be maintained or allowed, nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines: The westerly line of the fire limits as now established from its southerly limits to where the same intersects with the mile limit of the Soldiers' Home; thence westerly and northerly along the said mile limit until the same intersects with Kansas Avenue; thence along Kansas Avenue to its intersection with the northern boundary of the District of Columbia.

Said board shall consider and act upon all applications for license to sell intoxicating liquors, after a report thereon by the chief of police, and the action of said board shall be final and conclusive. In no event, except by the unanimous action of the excise board, shall any license permitted under this section be granted until a report approving the granting thereof is made to the excise board by the chief of police. In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding 300 by November 1, 1914. On the granting by said board of a license to sell intoxicating liquors the assessor shall issue a license to the applicant. Said board shall make such rules and regulations for carrying into effect this section as it may deem requisite and proper. It shall make an annual report to Congress setting forth the number of applications for license, whether favorably or unfavorably acted upon, the number of persons convicted for violation of this statute, and the number and amount of fines collected and uncollected; and said excise board is hereby authorized and empowered to summon any person before it to give testimony, under oath or affirmation, as to any matter affecting the operation of the laws regulating the sale of intoxicating liquors in the District of Columbia; and any member of the board shall have the power to administer oaths or affirmations for all purposes of administering said laws. Such summons may be served by any member of the Metropolitan police force, and the refusal or neglect of a witness to appear before the said board or to testify when required, may be punished in the same manner as a refusal to appear before the Commissioners of the District of Columbia, as provided for in the acts of February 20, 1896, entitled "An act to amend an act entitled 'An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes,' approved May 11, 1892," and July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes." Witnesses so summoned shall be entitled to a fee of \$1.25 for each day's attendance before the said board, payable out of the contingent fund of the Commissioners of the District of Columbia; and any witness giving statements to the said board on any material matter which he believes to be false shall be guilty of perjury and punishable accordingly.

PAR. 3. That the said board shall appoint a clerk at a salary of \$1,500 per annum and an inspector at a salary of \$1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

PAR. 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted upon by the board in the order in which such petition is filed and numbered. Said petition shall contain—

First. A statement giving the name and residence of the applicant and the time he has resided in the District of Columbia.

Second. A statement describing the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it, and how long said applicant has been engaged in business at said place.

Third. The full name and residence of the owner of the premises upon which the business is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and a bona fide resident of the District of Columbia, and not less than 21 years of age, and whether such applicant has since March 3, 1893, been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. A statement that he intends to, and if licensed will, carry on such business for himself and not as the agent of any other person, company, copartnership, or corporation.

Sixth. A statement that he intends to superintend in person the management of the business for which he asks a license, and that if licensed he will so superintend the management of the business so licensed.

Said petition must be sworn to by the petitioner before a notary public or other person duly authorized to administer oaths and affirmations. If any false material statement is made in any part of said petition, the petitioner making said affidavit shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense; and in case a license has been issued to said petitioner the same shall be immediately revoked by said board. Notice of the filing of said petition shall be given by the applicant in such manner as may be prescribed by general rules and regulations adopted by the excise board; and if protests against the granting of such license are filed no final action shall be taken by the excise board until the protestors shall have had an opportunity to be heard, under rules and regulations prescribed by said board.

PAR. 5. That the licenses authorized and provided for by this section shall be of two classes, wholesale liquor licenses and barroom licenses. The fee for a wholesale liquor license until November 1, 1914, shall be \$500 per annum, and for a barroom license \$1,000 per annum until November 1, 1914; and thereafter the fee for a wholesale liquor license shall be \$800, and the fee for a barroom license shall be \$1,500 per annum. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing the application with the excise board. If, upon consideration of the application for license by the board as provided for in this section, the board shall decide to grant the license prayed for it shall notify the assessor, and the applicant shall thereupon receive his license; and only on the granting by said board of a license to any applicant to sell intoxicating liquor shall the assessor issue a license to such applicant. A barroom license shall be required for every hotel, tavern, barroom, club, or other place in which intoxicating liquors are sold or dispensed at retail. A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than 1 quart in the aggregate, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where intoxicating liquors are sold to be drunk on the premises or in quantities less than 1 quart, whether drunk on the premises or not, shall be regarded as a barroom; and the possession of intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this section, and the license therefor shall be known as a barroom license. All makers, brewers, and distillers of intoxicating liquors in the District of Columbia, and all agents of makers, brewers, and distillers established outside of the District of Columbia and selling their product in said District, shall be required to take out the wholesale license provided for in this section; *Provided*, That when such business is carried on at more than one place a license shall be required for each place. Before the excise board may grant a license to a club it must be satisfactorily shown that such club is duly incorporated; that its membership is bona fide, all being on an equal status with equal privileges and responsibilities; that its purposes are legitimate; and that the sale of liquor intended is no more than an incident, and is not a prime source of revenue. A license to a club shall be issued in the name of its president, and in case of violation of the provisions of this section in such club, he and the secretary, the treasurer, and the manager of the club shall be proceeded against collectively or severally in their individual capacities and, if convicted, be subject to the penalties prescribed in paragraph 14 of this section, and the license of said club shall be immediately revoked by the excise board.

PAR. 6. That under the license issued in accordance with this section no intoxicating liquors shall be sold, given away, or in any way disposed of to any minor, intoxicated person, or to any person who is in the habit of becoming intoxicated, if such last-named person's wife, daughter, mother, father, or guardian shall, in writing, request that the licensee shall not sell or furnish intoxicating liquors to such person, and ignorance of the age of any such minor shall not be a defense to any action instituted under this section; and no licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of 11 o'clock in the evening and 8 o'clock in the morning, nor on Sundays or legal holidays, and Inauguration Day, and between said hours, and on Sundays, legal holidays, and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed; that no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel or club; that the interior of every barroom shall at all times be exposed to full view from the street, without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this section and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom.

PAR. 7. That every wife, daughter, mother, father, or guardian, having made the request mentioned in the preceding section, who shall be injured in person or property or means of support by any intoxicated person concerning whom such request has been made or in consequence of the intoxication of any such person, shall have a right of action for all damages actually sustained, in his or her own name, against any person, individual, or corporation who shall after such request has been made, by selling, bartering, giving away, or otherwise furnishing intoxicating liquors contrary to such request, have caused the intoxication of such person. On the trial of any such suit proof that the defendant or defendants sold, bartered, gave away, or furnished such liquors to such intoxicated person on the day or about the time (and prior thereto) of such injury shall be prima facie evidence that the liquor so sold, bartered, given away, or otherwise furnished caused such intoxication. In any action by a married woman or other person legally entitled to recover damages for loss of support caused by such intoxication it shall only be necessary to prove that the defendant or defendants, after the making of such request, has or have given, bartered, sold, or otherwise furnished intoxicating liquor of any kind to such person during the period when such cause of action shall have accrued.

PAR. 8. That any minor, for the purpose of evading the provisions of paragraph 7 of this section, who falsely represents his age shall be deemed guilty of a misdemeanor, and be fined for each offense not

more than \$50, and in default in the payment of such fine shall be imprisoned in the reformatory or workhouse of said District not exceeding 30 days.

PAR. 9. That no license under this section shall be issued for a longer period than one year, and the year shall begin on the first day of November and end on the last day of October following; and no license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the excise board upon a regular application therefor in writing and after notice and hearing as in this section provided upon an original application for a license; and the fee to be paid by the party applying for such transfer shall be \$2, which shall be paid to the collector of taxes of the District before such transfer is made; *Provided*, That the excise board shall not allow the transfer of the license of any person against whom there are pending in the courts or before the excise board charges of keeping a disorderly house or violating the excise laws or the laws against gambling in the District of Columbia.

PAR. 10. That every person receiving a license to sell liquor under this section shall frame the same under glass and place it in a conspicuous place in his place of business, so that anyone entering such place may easily read such license.

PAR. 11. That all applicants for license and persons holding licenses under this section shall allow any member of the excise board or the duly authorized inspector of the said board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is manufactured, sold, or for which a license is asked or has been granted; and the same opportunity and facility shall be afforded, by the licensee or some person acting in his stead, any member of the Metropolitan police force who has reasonable belief that the law is being violated to enter and examine at all times such licensed places, and no person or persons shall obstruct, hinder, or in any manner molest such inspector or officer, provided such inspector or officer exhibits a badge showing he is such inspector or officer.

PAR. 12. That regularly licensed druggists or pharmacists shall not be required to obtain license under the provisions of this section, but they shall not sell intoxicating liquors, nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing more than 2 per cent of alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient required such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filed, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filed more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the excise board or the courts when required; *Provided*, That pure grain alcohol may be sold without a physician's prescription for mechanical, medicinal, and scientific purposes by registered druggists or pharmacists, who shall keep a book for the purpose of registering such sales in a similar manner or form as required for the sale of intoxicating liquors as provided in this section; *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not more than \$50, and in default of the payment of such fine shall be imprisoned in the workhouse of said District not exceeding 30 days.

Any druggist or pharmacist who shall sell or dispense any intoxicating liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this paragraph, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in paragraph 13 of this section. Upon a second conviction for said offense, in addition to the penalties prescribed in said paragraph 13, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any intoxicating liquor except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$200, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

PAR. 13. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, solicit, or receive orders for intoxicating

liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than \$250 nor more than \$800, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than \$250 nor more than \$800, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

PAR. 14. That any person, company, copartnership, corporation, or club having obtained a license under this section, who shall violate any of its provisions shall, upon conviction of such violation, be fined not less than \$100 nor more than \$500, and the excise board may, in its discretion, revoke the license; and upon a second conviction of such violation such licensee shall be fined not less than \$200 nor more than \$500, and in addition to such fine the excise board shall immediately revoke the license. That upon the conviction of any licensee of keeping a disorderly or disreputable place, it shall be the duty of the excise board to immediately revoke the license of such convicted licensee, and after such revocation no license shall again be granted to him for said place or elsewhere, nor shall a license be granted to anyone else for said place for a period of three years from the date of said revocation of license.

PAR. 15. That no licensee under this section shall employ or permit to be employed any female, or allow any female or any minor or any person convicted of crime, to sell, give, furnish, or distribute any intoxicating liquors, or any admixture thereof, to any person or persons, nor permit the playing of pool or billiards, or any other games whatever, in the room where such liquors are sold or drunk, or in any adjoining or intercommunicating room; nor shall he, except in the case of hotels and clubs, permit the playing of music or theatricals of any kind, or provide other amusements in his place of business or in connection therewith. Nor shall any barroom licensee establish more than one bar under his license, and the sale or dispensing of liquors, except in case of hotels and clubs, shall be confined to the room in which said bar is located; nor provide or permit to be used more than one entrance to said barroom from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance. Nor shall any licensee sell, give, furnish, or distribute any intoxicating liquors to be carried away in buckets, pitches, or other vessels, except sealed bottles or in original packages; nor shall any barroom licensee sell, give, furnish, or distribute any intoxicating liquors to any female, nor permit any female to enter or remain in his barroom: *Provided*, That bona fide guests of hotels and clubs having a license to sell intoxicating liquors may be served with liquors at meals in such hotels and clubs during the time liquor may be sold.

PAR. 16. That all applicants who have had a license during the preceding year who so desire shall apply for a renewal of such license on or before the 1st day of September of each license year: *Provided*, That in the event of the death of a person having a license under this section during a license year there shall be refunded to the personal representative of the deceased such amount of the license fee in proportion to the unexpired part of the license year: *Provided further*, That the minimum portion of said license fee to be retained for any portion of the license year, irrespective of its proportion to the entire year, shall be \$200 in the case of barroom licenses and \$100 in the case of wholesale licenses.

PAR. 17. That no license, either wholesale or barroom, shall be issued to any person or for any place located within 1,000 feet of the grounds of the marine barracks, the War College and engineer barracks, or of the navy yard, in the District of Columbia.

PAR. 18. That any person assisting in or aiding and abetting the violation of any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$50 nor more than \$100 or be imprisoned in the District jail or workhouse for not more than three months for each and every offense: *Provided*, That no witness shall be excused from testifying in any case brought under this section on the ground that his answers may tend to incriminate him in connection with any violation of this section, and such witness so testifying shall not thereafter be prosecuted for violation of any provision of this section concerning which such witness may have testified.

PAR. 19. That prosecutions for violations of the provisions of this section shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

PAR. 20. That if one or more persons who are competent witnesses shall charge on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, representing that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this section, by manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing intoxicating liquor without license, or in a prohibited district or section, and shall request said corporation counsel or any of his assistants duly authorized to act for him, to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him at once to thoroughly search said described room, house, building, or other place and the appurtenances thereof, and if any such shall be found, to take into his possession and safely keep, to be produced as evidence when required, all intoxicating liquors (if the same shall be found in quantities and in condition to suggest that it is kept for sale), and all the means of dispensing same, also all the paraphernalia or part of the paraphernalia of a barroom or other intoxicating-liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of intoxicating liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such intoxicating liquor or the means for dispensing same, or the paraphernalia of a barroom or other in-

toxicating-liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of intoxicating liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of paragraph 1 of this section as charged or presented. If the accused shall be found guilty, the intoxicating liquor so seized shall, after the trial and time for writ of error, if no writ of error is taken, be destroyed by the police department; if the accused be found not guilty, the whole shall be held as his, its, or their property, or the property of the real owner.

PAR. 21. That it shall not be necessary in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, of manufacturing or selling intoxicating liquors without license, or in any section of the District of Columbia where the manufacture and sale is prohibited, to prove the actual sale, delivery of, or payment for any intoxicating liquors, but the evidence of having or keeping them in hand and offering to sell or barter, exchanging for goods or merchandise, shall be sufficient to convict; nor shall it be necessary in a warrant or in information to specify the particular kind of liquor manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or mentioned in orders solicited or taken for the purchase of intoxicating liquor, but it shall be sufficient to allege in the warrant or information that the accused manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, solicited for or received orders for intoxicating liquors, or kept it deposited to sell or barter.

PAR. 22. That every person who shall, within the District of Columbia, directly or indirectly keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, abet, or assist in keeping or maintaining any clubroom or other place in which any intoxicating liquors, the sale of which without a license is prohibited by this section, is received or kept for the purpose of use, sale, barter, giving away, or otherwise furnishing, or for distribution or division among the members of any club or association by any means whatever, without first having a license so to do, or in sections of the District wherein the sale of intoxicating liquor is prohibited, and every person who shall use, sell, barter, give away, or otherwise furnish, distribute, or divide any such liquors so received or kept shall be guilty of a misdemeanor and subject to the penalties prescribed in paragraph 13 of this section.

PAR. 23. That any person who shall, in the District of Columbia, in any street or alley, in any public place, or in or upon any street car, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any passenger coach, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

PAR. 24. That it shall be unlawful for any licensee under the provisions of this section to furnish or offer to furnish any free food or other gift of any kind or description to those buying or to prospective buyers of any of the liquors which said licensee offers or keeps for sale; and anyone violating the provisions of this paragraph shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$50, and, upon a second conviction for this offense, in addition to the foregoing penalty, the excise board shall forfeit the license held by such person.

PAR. 25. That the issuance of an internal-revenue special tax receipt or certificate by the United States to any person as a wholesale or retail dealer in distilled liquors or in malt liquors at any place within the District of Columbia shall be prima facie evidence of the sale of intoxicating liquors by such person at such place, or at any other place of business of such person in the District where such special tax receipt is posted and at the time charged in any prosecution under this section, but such time must be within the life of such receipt or certificate.

PAR. 26. That in the interpretation of this section words of singular number shall be deemed to include their plurals, and words of masculine gender shall be deemed to include the feminine, as the case may be.

The words "give away" where they occur in this section shall not apply to the giving away of intoxicating liquors to bona fide guests by any person in his hotel or private dwelling.

PAR. 27. That this section shall be in full force and effect from and after its passage, and shall be in lieu of and as a substitute for all existing laws and regulations in the District of Columbia in relation to the sale of intoxicating liquors in said District, except such laws as prohibit the sale of intoxicating liquors in certain defined sections or parts of the District and laws of Congress pertaining to persons, premises, and territory over which the Federal Government exercises jurisdiction; and all laws and parts of laws inconsistent with this section, except such prohibitive laws above referred to, be, and they are hereby, repealed.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment submitted by the Senator from Washington. The ayes appear to have it. The ayes have it, and the amendment is agreed to.

MR. OLIVER. I make the point of order against the amendment.

MR. JONES. I make the point of order that it comes too late, after the question has been passed upon and the Chair announced the result.

MR. OLIVER. Mr. President, I had not time to get up, really, before the President announced his decision.

The PRESIDENT pro tempore. Without objection, the Senator from Pennsylvania will be recognized to make the point of order, and under clause 2 of Rule XX the Chair will submit the question to the Senate. Is the amendment in order on the pending bill? The Secretary will call the roll.

MR. LA FOLLETTE. If there is to be a roll call on it, I should like to have the bill read. I do not know what I am voting upon.

The PRESIDENT pro tempore. The Senator from Wisconsin is entitled to have the bill read.

Mr. JONES. I desire to suggest that there has been no demand for a roll call.

The PRESIDENT pro tempore. The Chair was laboring under a misapprehension. The bill will be read.

Mr. LA FOLLETTE. I will not ask to have the bill read if there is simply to be an informal vote taken upon it. I do not want to delay the progress of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES].

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer the following amendment, to be inserted at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment just agreed to add as a new section the following:

Sec. —. That paragraph 10 of section 6 of the act approved July 1, 1902, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, is hereby amended by adding at the end of said paragraph the following:

"Fourth. Household and other belongings not held for sale and owned by any person in the public service temporarily residing in the District of Columbia who is a citizen of any State or Territory and who is taxed on such personal property in such State or Territory."

Mr. CURTIS. I think that is the existing law, and I shall not make the point of order against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Massachusetts. The amendment was agreed to.

Mr. SMITH of Michigan. I desire to modify my amendment which was adopted yesterday by striking out all after the word "thereto." The part to be stricken out reads "and upon the payment of a license fee of \$5 per year to the collector of taxes of the District of Columbia."

Mr. CLARK of Wyoming. On what page of the Record?

Mr. SMITH of Michigan. Page 3338.

The PRESIDENT pro tempore. Without objection, the vote by which the amendment was agreed to will be reconsidered. It is reconsidered, and the amendment to the amendment will be stated.

The SECRETARY. In the amendment, on page 106, after line 8, after the word "thereto," strike out the words "and upon the payment of a license fee of \$5 per year to the collector of taxes of the District of Columbia."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRISTOW. I offer an amendment, which I ask to have read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 34, after line 23, insert:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, adopted under the act of Congress approved March 2, 1893, as amended by the act of Congress approved June 28, 1898, by condemnation under the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury under such proceeding as damages for and in respect of the land condemned, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That the costs and expenses of the condemnation proceedings taken under the provisions hereof, and the amounts awarded as damages for and in respect of the land condemned, shall be paid entirely from the revenues of the District of Columbia, and shall be repaid to said District of Columbia from the assessments for benefits and covered into the Treasury of the United States to the credit of the revenues of the District of Columbia; and such sum as is necessary for said purpose during the fiscal year to end June 30, 1914, is hereby appropriated, payable entirely from the revenues of the District of Columbia.

Mr. CURTIS. To save time, as this is clearly legislation, I make the point of order against it.

The PRESIDENT pro tempore. The Chair thinks the amendment ought to be stated.

Mr. CURTIS. We can save time. I think the Senator from Kansas will admit that it is subject to a point of order.

The PRESIDENT pro tempore. It is not good legislation to interrupt the reading of an amendment. The amendment will be read.

The Secretary read the amendment, as follows:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, adopted under the act of Congress approved March 2, 1893, as amended by the act of Congress approved June 28, 1898, by condemnation under the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury under such proceeding as damages for and in respect of the land condemned, plus the cost and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That the costs and expenses of the condemnation proceedings taken under the provisions hereof, and the amounts awarded as damages for and in respect of the land condemned, shall be paid entirely from the revenues of the District of Columbia, and shall be repaid to said District of Columbia from the assessments for benefits and covered into the Treasury of the United States to the credit of the revenues of the District of Columbia; and such sum as is necessary for said purpose during the fiscal year to end June 30, 1914, is hereby appropriated, payable entirely from the revenues of the District of Columbia.

Mr. BRISTOW. Mr. President, before the point of order is made, I desire to say that I understand we have a system of highways that have been laid out and provided in the District of Columbia and accepted. Any street that is opened anywhere

is opened in harmony with the plan which was adopted several years ago.

The amendment simply provides that when the commissioners believe that the public necessity requires the opening up of any of the highways which have already been adopted they shall proceed to open them up and assess the property that is benefited for the expense of opening up the highway.

Mr. CURTIS. The amendment applies only to existing highways?

Mr. BRISTOW. Only to existing highways.

Mr. CURTIS. I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer an amendment to come in as a new section.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add as a new section the following:

That the act entitled "An act regulating the speed of automobiles in the District of Columbia, and for other purposes," approved June 29, 1906, be and the same is hereby amended as follows: "That the Commissioners of the District of Columbia be, and are hereby, authorized and empowered to make needful regulations, from time to time, defining the rate of speed and method of conduct of horseless or motor vehicles, bicycles, or horse-drawn vehicles within the District of Columbia, so as to provide for the preservation of order and the protection of life, limb, and property upon the different roads, highways, streets, avenues, alleys, and public reservations, and in all public parks and places."

Mr. SMITH of Michigan. Mr. President, I simply desire to say that this has frequently been suggested and is quite necessary. The regulations have not been overhauled for 10 years, and they are wholly inadequate. I think it is very appropriate, indeed, that we should take this action.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I desire to offer an amendment to come in on page 22, after "twelve thousand," in line 5.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 22, after line 5, insert:

For paying with sheet asphalt K Street north, between Washington Circle and the bridge at Twenty-eighth Street west, \$30,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MYERS. I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 26, after line 11, insert:

Northeast: New York Avenue, Florida Avenue to Bladensburg Road, grade and improve, \$50,000.

Mr. MYERS. Mr. President, I offer this amendment at the request of residents of the District with whom I am acquainted and who have convinced me of the justice of their cause.

Mr. CURTIS. Let us have a vote upon it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NEWLANDS. I offer the following amendment, on page 34, after line 23.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. On page 34, after line 23, insert:

That the Commissioners of the District of Columbia are hereby authorized, whenever in their judgment the public interests require it, to prepare a new highway plan for any portion of the District of Columbia, and submit the same for approval, after public hearing, to the highway commission, created by act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities"; that such highway plans shall be prepared under the provisions of said act of Congress and an amendment thereto approved June 28, 1898, and that upon approval and recording of any such new highway plan it shall take the place of and stand for any previous plan for the portion of the District of Columbia affected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be read. The SECRETARY. On page 26, after the amendment just agreed to, insert:

Northeast: M Street, Bladensburg Road to Twenty-eighth Street, grade and improve, \$6,000.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 26, after the amendment just agreed to, insert:

Northeast: Bladensburg Road, H Street to District line, grade and improve, \$12,000.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, preliminary to an amendment which I wish to offer I take a moment to remind the Senate that a movement has been on foot for some time to merge the public utilities of the District of Columbia into a holding company outside of the District of Columbia, a foreign company.

That simply means, Mr. President, that there is to be an increase in the capitalization of the already grossly over-capitalized public utilities of the District of Columbia, and that means that the public of to-day and the public for all time, is to be unjustly burdened, unless this merger be prevented.

I introduced a bill last December making this proposed merger unlawful. January 7 I reintroduced it modified as to one minor provision. The bill is still pending before the Committee on the District of Columbia. The bill which I now offer as an amendment is modeled upon the statute of Massachusetts upon the same subject.

I do not believe that either the purpose of the amendment or the form in which I am offering it can be objected to by any Senator, unless it be, which I can not well believe, that some Senator is in favor of this unwarranted and unjust proceeding which is attempted to be carried through by the public utilities of the District of Columbia.

I send to the desk the bill which I propose as an amendment, to come in at the end of the pending bill.

The PRESIDENT pro tempore. The Senator from Wisconsin submits an amendment, which will be read.

The SECRETARY. It is proposed to add at the end of the bill the following section:

SEC. —. That it shall be unlawful for any foreign public utility corporation, or for any foreign or local holding corporation, or for any local street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or any other local public utility corporation, directly or indirectly, to own, control, or hold or vote stock or bonds of any public utility corporation organized under any general incorporation law or special act of the United States or authorized under any law of the United States to do business in the District of Columbia, except as heretofore or hereafter expressly authorized by Congress; and it shall be unlawful for any public utility corporation organized or authorized as aforesaid to sell or transfer any portion of its stock or bonds to any other public utility corporation or holding corporation whatsoever, unless heretofore or hereafter expressly authorized by Congress so to do; and every contract, transfer, agreement to transfer, or assignment by any said public utility corporation organized or authorized as aforesaid of any portion of its stock or bonds without such authority shall be utterly void and of no effect. That the Supreme Court of the District of Columbia, on application of the District of Columbia by its commissioners or attorney, or on application of the United States by its proper officer, or on application of any shareholder interested in any such corporations, shall have jurisdiction in equity to dissolve any public utility corporation organized under any general incorporation law or special act of the United States, or authorized under any law of the United States to do business in the District of Columbia, for violation of any of the provisions of this section or of their charters; and, further, to require any foreign public utility corporation, or foreign or local holding corporation which owns, holds, or controls, or which shall hereafter own, hold, or control any such stock or bonds contrary to any of the provisions of this act, to sell or dispose of the same and to refrain from voting such stock or bonds: *Provided*, That in case the allegations in any bill filed in said court relate to the ownership of stock or bonds of a local corporation by any foreign corporation, then it must be shown to the satisfaction of the court that such ownership includes at least 20 per cent of the capital stock of the local corporation.

That the word "foreign" when used in this section shall be construed to mean foreign to the District of Columbia, and the word "local" when used in this section shall be construed to mean local in the District of Columbia.

That each provision of this section and every part of each provision is hereby declared to be an independent provision, and the holding of any provision or provisions, or part or parts thereof, to be void ineffective, or unconstitutional for any cause shall not be deemed to affect any other provision or part thereof.

Mr. LA FOLLETTE. Mr. President, I neglected to say one word that I want to add. The Commissioners of the District of Columbia have approved of this bill. It was prepared with the assistance of the corporation counsel of the District. In order to prevent the consummation of the merger for the time being the commissioners began an action against the officers of the several public utility corporations. This action I understand is still pending. But the commissioners are advised that without legislation such as is proposed in the bill which I have offered as an amendment there is small chance of affording any substantial protection to the public interest.

I trust, Mr. President, that no point of order will be made against my amendment, and if it is adopted, as it certainly ought to be, that the conferees will insist upon its being retained in the appropriation bill.

Mr. OLIVER. Mr. President, I do not intend to make a point of order against this amendment, but I wish to get some information about it. For that reason I should like to hear from some mem-

ber of the Committee on the District of Columbia as to how far that committee has gone with the consideration of such legislation.

Mr. CURTIS. The first bill was introduced as suggested by the Senator from Wisconsin in December. I had no knowledge of that measure at all except such as a member of the committee would naturally have and from reading in the Record that the bill had been introduced. I had not read it. Some time in January the Senator from Wisconsin called my attention to the fact that a bill of this kind had been introduced and that I had been named as chairman of the subcommittee. I at once took hold of the bill and found who were the members of the subcommittee and consulted them in regard to a meeting. I was then busy with other measures and unable to call a meeting until I returned, as I recollect, from my trip to Kansas. I then called a meeting of the subcommittee, and only one other member of the subcommittee attended. We called up the other members by phone, and two of them, I remember, were sick and the other was out of the city, and the subcommittee adjourned. I was then appointed unexpectedly as chairman of the subcommittee on the District of Columbia appropriation bill.

I was also on the Committee on Indian Affairs that had charge of the Indian appropriation bill; I also had charge of the diplomatic and consular appropriation bill; and every day and every night from that time to this I have been engaged. I will say to Senators that some nights I have worked on these bills until 3 o'clock in the morning. I have not had time to take up these other measures. If I had had time, the subcommittee would have met and passed upon this measure, I assure the Senator. I want to say this—and I want to say it to Senators in connection with the formation of new committees—that I hope no Senator will try to get on any great number of committees in the next Congress, for, if he had my experience and wished to work, he would have to work harder than he really ought to work or than he will want to work.

Mr. LA FOLLETTE. Mr. President, I trust the Senator from Kansas did not construe anything which I said in referring to the time of the introduction of the bill as a criticism upon him. I have conferred with him a number of times about the bill, and I am certain that he has exercised diligence in endeavoring to have the bill considered by the subcommittee; but the terms of the bill are so simple, Mr. President, and the purpose of the bill is so unquestionably in the public interest, that I felt that it could, with entire propriety, be offered to the Senate without the intervention and consideration of a committee. For that reason I have asked to have it incorporated as an amendment to this bill.

Mr. BURTON. I should like to make an inquiry about this bill. It seems to me it is merely a prohibition on any holding company in possession of public utilities, against one public utility company holding stock in another; and a provision to the end that, where such holdings now exist, the companies having them shall dispose of them. That is practically this bill, is it not?

Mr. LA FOLLETTE. Substantially.

Mr. BURTON. And that is all of it?

Mr. LA FOLLETTE. Substantially.

Mr. OLIVER. Mr. President, I wish to repeat what I said before, that I do not propose either to make any point of order against this proposed legislation or to vote against it; but I think, without any regard whatever to the character of the legislation, that this is what might be termed a most flagrant instance of the evil to which I referred when alluding to other amendments that were offered, of tacking general legislation onto appropriation bills. Here is a measure that has never received the consideration of any committee either of the Senate or of the other House, and with regard to which the Members of the Senate have had no opportunity of obtaining information except from the explanation that has been made by the Senator from Wisconsin. I do not believe that that is the right way to legislate; and if it were not that I do not want to stand here as the defender of these public utility corporations, with which I have neither interest nor sympathy, I would make a point of order against the amendment. I refrain from doing so with extreme reluctance—I want to say that—not that I have anything against this particular legislation, but that I do not believe in legislating in this way.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. NEWLANDS. I offer an amendment, which I send to the desk, to come in on page 93, after line 20.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be stated.

The SECRETARY. On page 99, after line 20, it is proposed to insert:

That the Superintendent of Public Buildings and Grounds and the Engineer Commissioner of the District of Columbia, with the advice and cooperation of the Commission of Fine Arts, are hereby authorized to prepare and submit to Congress a plan for the gradual acquisition and development of parks and playgrounds in the District of Columbia with a view to meeting present and future requirements for health and recreation, designating in such plan the areas which they deem it desirable to acquire, the probable cost of purchase, and the probable cost of improvement, and designating such parks in the order of their importance as to the time of acquisition.

Where disagreement shall exist between such officials and the commission, the grounds of disagreement shall be stated. The landscape architect in the office of the Superintendent of Public Buildings and Grounds shall cooperate with such officials and such commission in such work; and the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, from any funds in the Treasury not otherwise appropriated, for the expenses of such inquiry and investigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of House bill 28180, being the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. I ask unanimous consent that the formal reading of the bill may be dispensed with, that the bill be read for amendment, and that the committee amendments be first disposed of.

The PRESIDENT pro tempore. The Senator from Minnesota requests that the formal reading of the bill be dispensed with, that the bill be read for amendment, and the committee amendments be first considered. Is there objection? The Chair hears none, and it will be so ordered.

#### WASHINGTON RAILWAY & ELECTRIC CO. EXTENSION.

Mr. DILLINGHAM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. NELSON. I will yield to the Senator from Vermont if the matter for which he desires consideration does not lead to debate and will not displace the river and harbor bill.

The PRESIDENT pro tempore. It will not displace that bill.

Mr. DILLINGHAM. I ask unanimous consent for the present consideration of Senate bill 4681. I will say, in connection with my request, that this bill, if amended as recommended by the committee, will simply provide for extending the street railroad from Wisconsin Avenue down Macomb Street to the District line, by way of Massachusetts Avenue, past the American University buildings. In this connection I will also say that the American University have a large plant there and are about to open their doors, but there are no public means of conveyance in that section. This bill is approved by the railroad company, it is approved by the people in that neighborhood, and by the Commissioners of the District of Columbia. I know of nobody who opposes it.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the present consideration of a bill the title of which will be read for the information of the Senate.

The SECRETARY. A bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co.; to authorize a change in the permanent system of highway plans; to provide for the condemnation of certain streets; and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, beginning in line 3, to strike out:

That the Washington Railway & Electric Co. of the District of Columbia be, and it is hereby, authorized and required to construct a double-track electric street railway beginning where its present tracks on Columbia Road intersect the tracks of the Capital Traction Co. at Eighteenth Street NW., thence over the existing tracks of the Capital Traction Co. along Calvert Street and across the Calvert Street Bridge, to Connecticut Avenue; and thence along Calvert street, as laid down on the amended highway plan hereinafter authorized, to Cleveland Avenue; thence along Cleveland Avenue to Thirty-fourth Street; thence along Thirty-fourth Street to Macomb Street; thence along Macomb

Street to Massachusetts Avenue; and thence along Massachusetts Avenue in a northwesterly direction to the District line: *Provided*, That said railway shall be constructed and operated by overhead electric system from the eastern end of the Calvert Street Bridge to Massachusetts Avenue and the District line, and by underground electric system from Columbia Road and Eighteenth Street to the Calvert Street Bridge. That where the route provided for in this act coincides with the route of the Capital Traction Co. the existing double tracks of the said Capital Traction Co. shall be used in common upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the Supreme Court of the District of Columbia, which is authorized and directed to give notice and hearing to the interested parties and to fix and finally determine the terms of the joint trackage.

Sec. 2. That in order to provide for such street railway extension along Calvert Street, the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare a new highway plan for Calvert Street, Rock Creek Drive, Twenty-eighth and Twenty-ninth Streets, between Connecticut Avenue and Cleveland Avenue, under the provisions contained in an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," as said act is amended by an act of Congress approved June 28, 1898, and upon the completion and recording of said new highway plan it shall take the place and stand for any previous plan for said portion of the District of Columbia.

Sec. 3. That upon the recording of said new highway plan the Commissioners of the District of Columbia be, and they are hereby, authorized to institute, in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, in the Supreme Court of the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the opening of Calvert Street, as laid down on said amended highway plan referred to in section 2 hereof, and of Cleveland Avenue between Calvert Street and Thirty-fourth Street, and of Thirty-fourth Street between Cleveland Avenue and Woodley Road, as laid down on said highway plan, and of Macomb Street between Wisconsin Avenue and Massachusetts Avenue: *Provided*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said extension and widening, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits, and there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto, and for the payment of the amount awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

And in lieu thereof to insert:

That the Washington Railway & Electric Co. of the District of Columbia be, and it is hereby, authorized and required to construct an electric street railway beginning where its present tracks on Wisconsin Avenue intersect Macomb Street NW.; thence along Macomb Street to Massachusetts Avenue; and thence along Massachusetts Avenue in a northwesterly direction to the District line: *Provided*, That said railway shall be constructed and operated by overhead electric system.

The amendment was agreed to.

The next amendment was, in section 4 (2), line 3, after the words "after the," to strike out "date of confirmation of the verdict and award in the condemnation proceedings provided for in section 3 hereof" and insert "approval of this act," so as to make the section read:

Sec. 2. That the street railway extension provided for in section 1 hereof shall be begun within six months after the approval of this act, and shall be completed, with cars running thereon, within a period of two years from said date, and the said Washington Railway & Electric Co. shall, within 60 days from the date of the approval of this act, deposit with the collector of taxes of the District of Columbia the sum of \$1,000 to guarantee the construction of said extension within the prescribed time, and if said extension is not so completed, with cars running thereon, within the prescribed time, said \$1,000 shall be forfeited to the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes."

#### THE FRANCIS GIRARD GRANT, ALABAMA.

Mr. JOHNSTON of Alabama. Will the Senator from Minnesota yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. NELSON. Yes; I will yield to the Senator from Alabama, but I trust no other Senator will ask me to yield.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of House bill 11478. It is purely a local bill, which has passed the other House.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of a bill the title of which will be read for the information of the Senate.

The SECRETARY. A bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all the right, title, and interest of the United States in and to the lands

situate in section 44, township 1 north, range 2 east, and section 49, township 1 north, range 1 east, containing 639.97 acres, in Baldwin County, Ala., known as the Francis Girard grant, shall be, in so far as the records of the General Land Office show the land to be free from conflict, granted, released, and relinquished by the United States, in fee simple, to the respective persons, estates, firms, or corporations, who would be the true and lawful owners under the laws of Alabama, including the laws of prescription had the private-land claim of Francis Girard been confirmed by the third section of the act of March 3, 1819 (3 Stat., p. 528), and to their heirs and assigns forever, as freely and completely, in every respect whatever, as could be done by patents issued therefor according to law; but nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned, the true intent of the bill being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in such lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners under the laws of the State of Alabama, including the laws of prescription, in the absence of the interest and estate of the United States. The Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant, and when issued shall be held for the use and benefit of the true and lawful owner or owners.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28180) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. BURTON. Mr. President, I desire to submit some general remarks on this bill, and I think there are one or two other Senators who also desire to speak, but perhaps the best way is to proceed with the bill for awhile and we will postpone the discussion of it until to-morrow.

Mr. NELSON. I wish that we might proceed to act on the amendments and the debate can follow afterwards. I do not want, of course, to cut off any Senator from debate.

The PRESIDENT pro tempore. The reading will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, after line 9, to insert:

Improving Bass Harbor Bar, Me.: Completing improvement in accordance with the report submitted in House Document No. 1128, Sixty-second Congress, third session, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to insert:

Improving Deer Island Thoroughfare, Me.: Completing improvement in accordance with the report submitted in House Document No. 1128, Sixty-second Congress, third session, \$40,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to insert:

Improving Carvers Harbor, Vinalhaven, Me.: Completing improvement in accordance with the report submitted in House Document No. 624, Sixty-second Congress, second session, \$16,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

Improving Pepperells Cove, Me.: Completing improvement, \$63,400.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to strike out:

Improving Medomak River, Me., in accordance with the report submitted in House Document No. 674, Sixty-second Congress, second session, \$8,500.

The amendment was agreed to.

Mr. NELSON. I move the amendment which I send to the desk be inserted in lieu of the words stricken out by the committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 12, in lieu of the matter stricken out in lines 20 to 23, inclusive, it is proposed to insert:

Improving Medomak River, Me., in accordance with the report submitted in House Document No. 674, Sixty-second Congress, second session: Completing improvement, \$17,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 3, after line 14, to insert:

Improving harbor at Plymouth, Mass.: Completing improvement in accordance with report submitted in House Document No. 1194, Sixty-second Congress, third session, and subject to the conditions therein contained, \$83,500.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Improving harbor of refuge, Block Island, R. I.: Continuing improvement, \$50,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

Harbor of refuge at Point Judith, R. I.: For improvement in accordance with the report submitted in House document No. 911, Sixtieth Congress, first session, \$100,000.

The amendment was agreed to.

The next amendment was, on page 4, line 11, after "\$164,800," to insert: "Improving same in accordance with the report submitted in House Document No. 1369, Sixty-second Congress, third session, \$100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$827,800, exclusive of the amount herein and heretofore appropriated: *Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State or city shall have completed their proposed expenditures in the combined Providence and Pawtucket Harbors, up to at least \$2,000,000, for public terminals or other permanent public harbor improvements: *Provided further*, That the dredged material may be deposited on shallow areas near the city of Providence if plans therefor can be arranged with local interests whereby the cost of the work to the United States will not be increased over that of towing to the present dumping ground;" so as to make the clause read:

Improving Providence River and Harbor, R. I.: Completing improvement in accordance with the report submitted in House Document No. 919, Sixtieth Congress, first session, \$164,800; improving same in accordance with the report submitted in House Document No. 1369, Sixty-second Congress, third session, \$100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$827,800, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State or city shall have completed their proposed expenditures in the combined Providence and Pawtucket Harbors, up to at least \$2,000,000, for public terminals or other permanent public harbor improvements: *Provided further*, That the dredged material may be deposited on shallow areas near the city of Providence if plans therefor can be arranged with local interests whereby the cost of the work to the United States will not be increased over that of towing to the present dumping ground.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after "\$10,000," to insert: "For improvement in accordance with the report submitted in House Document No. 1258, Sixty-second Congress, third session, \$80,000; in all, \$90,000;" so as to make the clause read:

Improving harbor at New Haven, Conn.: For maintenance, \$10,000; for improvement in accordance with the report submitted in House Document No. 1258, Sixty-second Congress, third session, \$80,000; in all, \$90,000.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after "\$20,000" to insert "for improving the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session; completing improvement, \$235,700; in all, \$255,700," so as to make the clause read:

Improving harbor at Flushing Bay, N. Y.: For maintenance, \$20,000; for improving the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session; completing improvement, \$235,700; in all, \$255,700.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after "\$250,000," to insert: "*Provided*, That so much of the foregoing amount as may be recommended by the Chief of Engineers and approved by the Secretary of War may be expended within the limits of the project heretofore adopted by Congress in securing a depth of not to exceed 35 feet in the through channel of East River and not to exceed 30 feet elsewhere," so as to make the clause read:

Removing obstructions in East River and Hell Gate, New York: Continuing improvement, including work at the Middle Ground and in the channel between North Brother and South Brother Islands, \$250,000. *Provided*, That so much of the foregoing amount as may be recommended by the Chief of Engineers and approved by the Secretary of

War may be expended within the limits of the project heretofore adopted by Congress in securing a depth of not to exceed 35 feet in the through channel of East River and not to exceed 30 feet elsewhere.

The amendment was agreed to.

The next amendment was, on page 9, line 8, after "\$100,000," to insert: "For improvement in accordance with the project numbered 3 in the report submitted in House Document No. 557, Sixty-second Congress, second session, \$5,000: *Provided*, That no construction work shall be executed by the Federal Government beyond the channel limits of the existing projects until local or other interests shall furnish, free of cost to the United States, the necessary land for the right of way required for said project; in all, \$105,000," so as to make the clause read:

Improving Harlem River, N. Y.: Continuing improvement, \$100,000; for improvement in accordance with the project numbered 3 in the report submitted in House Document No. 557, Sixty-second Congress, second session, \$5,000: *Provided*, That no construction work shall be executed by the Federal Government beyond the channel limits of the existing projects until local or other interests shall furnish, free of cost to the United States, the necessary land for the right of way required for said project; in all, \$105,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to insert:

Improving Hudson River Channel of New York Harbor, N. Y., in accordance with the report submitted in House Document No. 719, Sixty-second Congress, second session, \$200,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$250,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to insert:

Improving Absecon Inlet, N. J., by dredging, to keep an open channel until the completion of the dredge heretofore authorized, \$45,000: *Provided*, That no part of the appropriation herein made shall be available for expenditure until the Secretary of War shall be satisfied that local interests have made provision for furnishing the sum of \$50,000 for said improvement and have placed the same to his credit and subject to his order in a bank to be designated by him.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to strike out:

Improving Woodbury Creek, N. J., in accordance with the report submitted in House Document No. 635, Sixty-second Congress, second session, and subject to the conditions set forth in said document, \$8,000.

Mr. NELSON. I move that that amendment be disagreed to.

Mr. BURTON. Mr. President, just a word about that amendment. I trust the chairman of the committee will agree that a sufficient sum shall be provided to complete that project. The estimate is \$38,000. In the case of two or three amendments on the second page of the bill, for instance, the item for improving Deer Island Thoroughfare, Me., provision is made for completing the whole improvement, \$40,000. The engineer in reporting upon the Woodbury Creek, N. J., project says:

A plan of improvement at an estimated cost of \$38,000 for first construction, with \$2,000 annually for maintenance, is presented.

And he adds this:

The estimated first cost—

That is the \$38,000—

should be made available in one appropriation.

It seems very unbusinesslike to appropriate these small amounts, and if the Senator from Minnesota will allow me, I should like to suggest that there be added at the end, in place of "\$8,000," the words "completing improvement, \$38,000."

Mr. NELSON. I have no objection to that amendment. The committee amendment may be disagreed to, and the amendment suggested by the Senator from Ohio may be inserted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. BURTON. Now, I move to strike out "\$8,000" and insert "completing improvement, \$38,000."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 13, line 14, before the word "Street," to strike out "Lalor" and insert "Lalor," and in line 15, before the word "Street," to strike out "Lalor" and insert "Lalor," so as to make the clause read:

Improving Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, \$1,750,000; for maintenance of improvement from Allegheny Avenue, Philadelphia, to Lalor Street, Trenton, \$20,000; and completing improvement above Lalor Street, Trenton, in accordance with the report submitted in House Document No. 839, Sixty-first Congress second session, and subject to the conditions recommended by the Chief of Engineers on page 2 of said document, \$114,000; in all, \$1,884,000.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the word "bridges," to insert "channel spans of the," so as to make the clause read:

Improving Allegheny River, Pa., in accordance with the report submitted in House Document No. 540, Sixty-second Congress, second session: The proviso attached to the item for this improvement carried in the river and harbor act approved July 25, 1912, that the appropriation of \$300,000 therein contained be made subject to the condition that local interests should contribute an equal amount, is hereby revoked, and in lieu thereof the expenditure of said \$300,000 is made subject to the following condition: *Provided*, That no part of said amount shall be expended until the Secretary of War shall have received satisfactory assurances that the channel spans of the bridges forming unreasonable obstructions to the navigation of the Allegheny River at Pittsburgh will be modified as recommended by a board of engineer officers in a report dated November 23, 1910.

The amendment was agreed to.

Mr. NELSON. Mr. President, in line 15, page 14, I move to strike out the word "modified" and insert the word "widened."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 14, line 15, it is proposed to strike out the word "modified" and insert the word "widened."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 16, line 5, after the word "session," to strike out "\$100,000" and insert "completing improvement, \$305,250," so as to make the clause read:

Improving harbor at Baltimore, Md., with a view to widening the channel of approach at York Spit, Chesapeake Bay, in accordance with the report submitted in House Document No. 1190, Sixty-second Congress, third session, completing improvement, \$305,250.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to insert:

Improving Western Branch of Elizabeth River, Va.: Completing improvement in accordance with the report submitted in House Document No. 506, Sixty-second Congress, second session, \$82,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to insert:

Improving harbor of refuge at Cape Lookout, N. C.: Continuing improvement, \$500,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$600,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 20, line 13, after "\$20,000," to insert "*Provided*, That any part of said appropriation and local contribution unexpended in completing the improvement of said channel may be used in improving and enlarging the turning basin in front of the town of Beaufort," so as to make the clause read:

Improving waterways connecting Core Sound and Beaufort Harbor, N. C.: Completing improvement of channel by way of Taylors Creek, in accordance with the report submitted in House Document No. 546, Sixty-second Congress, second session, and subject to the conditions set forth in said document, \$20,000: *Provided*, That any part of said appropriation and local contribution unexpended in completing the improvement of said channel may be used in improving and enlarging the turning basin in front of the town of Beaufort.

The amendment was agreed to.

The next amendment was, on page 20, line 24, to strike out "\$120,000" and insert "\$65,000," so as to make the clause read:

Improving Winyah Bay, S. C.: Continuing improvement and for maintenance, \$65,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

Improving Archers Creek, S. C.: The paragraph providing for the improvement of Archers Creek, S. C., in the river and harbor act approved July 25, 1912, is hereby amended to read as follows: Improving Archers Creek, S. C.: Completing improvement in accordance with the report submitted in House Document No. 513, Sixty-second Congress, second session, \$25,000: *Provided*, That the land required for the widening be donated to the United States free of cost, and that permission be given for the deposit of the dredged materials on adjacent lands free of cost to the United States.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

Improving Fancy Bluff Creek, connecting Turtle River and Brunswick Harbor with Little Satilla River, Ga.: Completing improvement, in accordance with the report submitted in House Document No. 1342, Sixty-second Congress, third session, \$8,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

Improving Savannah River at Augusta, Ga., in extension of the project authorized in the act of June 25, 1910, in accordance with the report submitted in House Document No. 1319, Sixty-second Congress, third session, \$60,000, provided a like sum of \$60,000 be contributed for said improvement by the city of Augusta under the same terms and conditions, as to such contribution, as are contained and provided in said act of June 25, 1910.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

Improving channel between St. Johns River, Fla., and Cumberland Sound, Ga. and Fla., by way of Sisters Creek, in accordance with the report submitted in House Document No. 898, Sixty-second Congress, second session, \$50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$51,000, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to insert: Protecting shore of Anastasia Island, Fla., by groins, \$15,000.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the word "document," to strike out "\$200,000" and insert "\$100,000," so as to make the clause read:

Improving Hillsboro Bay, Fla.: Continuing improvement in accordance with the report submitted in House Document No. 634, Sixty-first Congress, second session, and subject to the conditions recommended by the Chief of Engineers, United States Army, on page 2 of said document, \$100,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

Improving harbor at Miami (Biscayne Bay), Fla., in accordance with the report submitted in House Document No. 554, Sixty-second Congress, second session: The proviso in the river and harbor act approved July 25, 1912, that the appropriation of \$100,000 therein contained, namely, "that no work shall be done by the United States on said project until the Secretary of War is satisfied that the portion of the work contemplated in this project to be done by the Florida East Coast Railway Co. will be promptly completed," is hereby amended so as to read as follows: "*Provided*, That no work shall be done by the United States on said project until the Secretary of War is satisfied that suitable terminal facilities will be provided as contemplated by paragraph 8 of the report of the Board of Engineers for Rivers and Harbors as set forth on page 15 of said Document No. 554."

The amendment was agreed to.

The next amendment was, on page 27, after line 7, to insert:

Improving Lake Crescent and Dunns Creek, Fla., from the St. Johns River to Crescent City, Fla.: Completing improvement in accordance with the report submitted in House Document No. 1320, Sixty-second Congress, third session, \$25,000: *Provided*, That no part of the money herein appropriated shall be expended for the purchase of the right of way.

The amendment was agreed to.

The next amendment was, on page 29, line 17, after the word "increased," to insert "except to the extent of \$20,000, which amount is hereby appropriated: *Provided further*, That not more than \$20,000 shall be paid in any case for all rights claimed in and to said Grants Pass," so as to make the clause read:

Improving channel connecting Mobile Bay and Mississippi Sound, Ala.: The project adopted by the river and harbor act approved July 25, 1912, may, upon recommendation of the Chief of Engineers and approval of the Secretary of War, be modified to include the whole or any part of Grants Pass: *Provided*, That all rights claimed in and to Grants Pass shall be released and surrendered to the United States and that any saving or difference in the cost of actual construction that may result from the use of any or all of Grants Pass may, as compensation for said rights, be paid to the present owners of the pass or their assigns: *Provided further*, That the total cost of the completion of the project shall not be thereby increased except to the extent of \$20,000, which amount is hereby appropriated: *Provided further*, That not more than \$20,000 shall be paid in any case for all rights claimed in and to said Grants Pass.

The amendment was agreed to.

The next amendment was, on page 31, line 4, after the word "Vicksburg," to strike out "\$10,000" and insert "\$60,000," so as to make the clause read:

Improving Yazoo River, Miss.: For maintenance of improvement of mouth of Yazoo River and harbor of Vicksburg, \$60,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 19, to strike out:

Improving channel from Galveston Harbor to Texas City, Tex.: Continuing improvement and for maintenance by dredging within the limits recommended in the report submitted in House Document No. 328, Sixty-first Congress, second session, \$200,000.

The amendment was agreed to.

The next amendment was, at the top of page 34, to insert:

Improving channel from Galveston Harbor to Texas City, Tex.: Continuing improvement and for maintenance in accordance with report submitted in House Document No. 1390, Sixty-second Congress, third session, \$500,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,100,000, exclusive of the amounts herein and hereby appropriated.

Mr. NELSON. I offer an amendment to that paragraph, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, line 7, it is proposed to strike out from the committee amendment the word "complete" and

insert "prosecute"; also, in line 10, to strike out "hereby" and insert "heretofore."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 34, after line 11, to insert:

Improving Houston ship channel, Tex.: Continuing improvement and for maintenance. The Secretary of War may enter into a contract for or construct two suitable dredging plants to be used for the maintenance of the channel, when completed under the existing contract authorized by the act approved June 25, 1910, to be paid for as appropriations may from time to time be made by law not to exceed in the aggregate \$400,000: *Provided*, That one-half of the cost of said dredging plants be contributed and furnished by the Harris County ship channel navigation district: *And provided further*, That before letting the contract for the construction of each dredging plant or beginning the work of its construction, said navigation district shall place to the credit and subject to the order of the Secretary of War, in a United States depository to be designated by him, the sum of \$50,000, and shall satisfy him that the remainder of one-half of the cost of said dredging plant will be deposited in like manner from time to time as called for by him.

The amendment was agreed to.

The next amendment was, on page 36, line 18, after the word "authorized," to strike out "and commencing the construction of two additional locks and dams, \$250,000," and insert "and for an accurate instrumental survey of the river, \$350,000"; and in line 22, after the words "in all," to strike out "\$275,000" and insert "\$375,000," so as to make the clause read:

Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized and for an accurate instrumental survey of the river, \$350,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, \$25,000; in all, \$375,000.

The amendment was agreed to.

The next amendment was, on page 37, line 4, after the words "authorized and," to strike out "commencing the construction of" and insert "locating," so as to make the clause read:

Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized and locating two additional locks and dams, \$255,000; continuing improvement and for maintenance by open-channel work, \$15,000; in all, \$270,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

Improving Arkansas River, Ark.: Completing improvement by protecting the north bank thereof in front of the Crawford County Levee, south of Van Buren, in sections 8, 9, and 10 in township 8 north, range 30 west, which shall be considered extraordinary emergency work, \$30,000. This appropriation shall be expended as soon as practicable in continuation of the work now in progress at said point, and under a plan to be prepared by the Chief of Engineers.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of line 23, page 38.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, after line 23, it is proposed to insert the following paragraph:

Improving White River at Devall Bluff, Ark., in accordance with the report submitted in House Document No. 1259, Sixty-second Congress, third session: Completing improvement, \$14,000: *Provided*, That the necessary stumpage and brush for such improvement shall be furnished free of cost to the United States.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 39, line 20, before the word "maintenance," to insert "improvement and," and in the same line, after the word "maintenance," to strike out "\$25,000" and insert "\$76,000," so as to make the clause read:

Improving harbor at Cleveland, Ohio: For improvement and maintenance, \$76,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 22, to insert:

Improving harbor at Arcadia, Mich.: Continuing improvement and for maintenance, including repair and reconstruction of the north pier, \$20,000.

The amendment was agreed to.

The next amendment was, on page 41, line 10, before the word "improvement," to strike out "Continuing" and insert "Completing," and in the same line, after the word "maintenance," to strike out "\$246,000" and insert "\$312,000," so as to make the clause read:

Improving harbor at Manistee, Mich.: Completing improvement and for maintenance, \$312,000.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in on line 19, page 41.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 41, in line 19, it is proposed to strike out "\$3,000" and insert:

Eight thousand dollars, of which amount \$5,000, or so much thereof as may be necessary, may be expended for the extension eastward of the revetment along the north side of the cut connecting the Kalamazoo River with Lake Michigan.

Mr. BURTON. I should like to ask the Senator from Minnesota a question. Is that all for maintenance? Is it not for continuing the improvement?

Mr. NELSON. It is for maintenance in one sense. It is to restore old revetment work that has been destroyed.

Mr. BURTON. But is it properly included under that term?

Mr. NELSON. I am told by the Army engineers that it would come under that head.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 42, after line 4, to insert:

Improving Saginaw River, Mich., up to the mouth of the Tittabawassee River, in accordance with the report submitted in House Document No. 740, Sixty-first Congress, second session, additional to the sums appropriated and authorized to be appropriated therefor in the river and harbor appropriation act approved June 25, 1910, \$100,000.

The amendment was agreed to.

The next amendment was, on page 42, line 18, after the word "maintenance," to strike out "\$10,000" and insert "\$24,000, of which amount not exceeding one-half may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge," so as to make the clause read:

Improving Menominee Harbor and River, Mich. and Wis.: For maintenance, \$24,000, of which amount not exceeding one-half may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge.

Mr. NELSON. I offer an amendment to that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 42, line 19, in the committee amendment, it is proposed to strike out "one-half" and insert "two-thirds."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. NEWLANDS. I offer an amendment which I send to the desk, and ask that it be printed and lie on the table and be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment to the pending bill, which will lie on the table and be printed in the RECORD.

The amendment referred to is as follows:

Insert the following after line 10, page 65:

"SEC. 23. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works, having in view such river regulation and control, the sum of \$5,000,000 annually for each of the years following the 1st day of July, 1912, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of \$50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river regulation fund.

"That of the said river regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

"That a board is hereby created, to be known as the board of river regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the Secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of \$7,500, payable out of the river regulation fund.

"The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

"That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section, and for such purpose is authorized to expend a suitable and necessary proportion of the

moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in such paragraph, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

"That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress, the said board shall proceed to construct and execute the same in accordance with the plans so approved: *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

"That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 44, after line 9, to insert:

Grand Calumet River, Ind.: A change in the location of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., corporations organized under the laws of the State of Indiana, in sections 34, 35, and 36, township 37 north, range 8 west, and in sections 2 and 3, township 36 north, range 8 west, Lake County, Ind., from the original location of such channel to a new location within the strip of land hereinafter described and the construction of a new channel within said strip of land, as the same has been done by said companies, is hereby authorized and approved: *Provided*, That the said Gary Land Co. and the said Indiana Steel Co. shall convey to the United States, free of cost, the right and easement to use said new channel and said strip of land as and for a free public waterway of the United States, and upon the acceptance of such conveyance by the Secretary of War the old channel of the river through the said lands shall be abandoned as a navigable waterway, and in its stead the aforesaid new channel, and any enlargement thereof which Congress may hereafter authorize shall become and forever remain a free public waterway of the United States and shall be subject to the laws heretofore and hereafter enacted by Congress for the improvement, preservation, and protection of navigable waters: *Provided further*, That the said companies or corporations shall have the right to occupy and use so much of the said strip of land as lies outside the high-water limits of the said new channel until such time as Congress shall authorize and make provision for the enlargement, widening, or other improvement of said channel, it being understood that such occupation and use shall be for temporary purposes only, and that the said companies or corporations shall place no structures or works of any kind on said strip or do anything that will tend to obstruct said channel or interfere with its free navigation by the public: *And provided further*, That nothing herein contained shall be construed as conferring any right, power, or privilege in conflict with any law or statute of the State of Indiana, in which said river is located. The said strip of land above referred to is described as follows: Beginning at a point on the west line of section 3, township 36 north, range 8 west, Lake County, Ind., which is 323.3 feet south of the northwest corner of said section; thence running easterly 3,430 feet, more or less, along a straight line, which, if continued, would intersect the east line of said section 3 at a point which is 319.6 feet south of the northeast corner of said section 3; thence along a curve convex to the south 1,017.45 feet, said curve having a radius of 5,829.6 feet; thence northeasterly 1,580 feet, more or less, along a straight line, said straight line making an angle of 10° with the first-described straight line; thence along a curve convex to the north 900 feet, more or less, said curve having a radius of 5,629.6 feet, to a point which is 100 feet, more or less, north of the south line of section 35 and also 1,170 feet, more or less, west of the middle line of said section 35; thence along a curve convex to the north 1,171.5 feet, more or less, to a point on the middle line of section 35, which is 154 feet north of the south line of said section 35; thence easterly 1,612.5 feet, more or less, along a straight line, which, if continued, would intersect the east line of said section 35 at a point which is 176 feet north of the southeast corner of said section 35; thence along a curve convex to the southeast 413.06 feet, said curve having a radius of 623.7 feet; thence northeasterly along a straight line 1,150 feet, more or less, to the south shore of the old river bed of the Grand Calumet River, said straight line making an angle of 38° with the last-described straight line; thence westerly 450 feet, more or less, along the south shore of the said old river bed of the Grand Calumet River; thence southwesterly 700 feet, more or less, along a straight line which is parallel to the aforementioned 1,150-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the southeast 313.88 feet, said curve having a radius of 473.7 feet, and being parallel to the aforementioned 413.06-foot curve and 150 feet distant from same (measured at right angles); thence westerly 2,700 feet, more or less, along a straight line which is parallel to the aforementioned 1,612.5-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the north 1,017.45 feet, said

curve having a radius of 5,829.6 feet, and being parallel to the aforementioned 900-foot curve and 200 feet distant from same (measured at right angles); thence southwesterly along a straight line 1,580 feet, more or less, said line being parallel to the aforementioned 1,580-foot line and 200 feet distant from same (measured at right angles); thence along a curve convex to the south 982.54 feet, said curve having a radius of 5,629.6 feet, and being parallel to the aforementioned 1,017.45-foot curve and 200 feet distant from same (measured at right angles); thence westerly 3,430 feet, more or less, along a straight line which is parallel to the aforementioned 3,430-foot line and 200 feet distant from same (measured at right angles) to a point on the west line of section 3; thence southerly along said line of said section 3 200 feet, more or less, to the point of beginning, containing approximately 46.209 acres.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 50.

Mr. NELSON. I offer an amendment, which I send to the desk, to come in at the end of line 9, page 50.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 50, line 9, after the word "available," it is proposed to strike out the period and insert a semicolon and the following:

And the Secretary of War is hereby directed to report to the House, as early as practicable, all encroachments and obstructions in the Chicago River and all its branches, together with such encroachments as have been made in and along the Lake Front between Lincoln Park and the Indiana State line.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, in the item of appropriation for improving Mississippi River from Head of Passes to the mouth of the Ohio River, on page 51, line 1, after the word "levees," to insert "which shall be considered extraordinary emergency work, and which may be done in the discretion of the Secretary of War, by hired labor, and without regard to hours, or otherwise," so as to read:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, \$6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, which shall be considered extraordinary emergency work, and which may be done in the discretion of the Secretary of War, by hired labor, and without regard to hours, or otherwise, between the Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from the Head of Passes to the headwaters of the river in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river.

The amendment was agreed to.

Mr. STONE. Mr. President, I thought that amendment was on page 50.

Mr. NELSON. Mr. President, I was intending to go on with the bill down to the paragraph to which the Senator from Missouri objects and pass that over until to-morrow. I refer to the paragraph stricken out on page 52. We can dispose of the rest of the bill and have that passed over until to-morrow.

Mr. STONE. Then I will ask the Senator to pass the provisions relating to the Mississippi and the Missouri Rivers until to-morrow.

Mr. CLARKE of Arkansas. Not all of them.

Mr. NELSON. Very well. I desire to offer one little amendment in regard to the Mississippi River, to which I do not think the Senator has any objection.

Mr. CLARKE of Arkansas. There are certain items there that are in no wise in dispute, and that might be disposed of this afternoon.

Mr. NELSON. I have an amendment to go in at the end of line 4, on page 52. I do not think the Senator objects to it.

Mr. STONE. What is it?

Mr. NELSON. I will read the amendment:

*Provided further*, That of the amount herein appropriated, \$250,000, or so much thereof as may be necessary, shall be expended for retvetting, leveeing, and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of preventing damage by floods and promoting the interest of navigation.

Mr. STONE. Where does that come in?

Mr. NELSON. It comes in at the end of line 4, prior to the amendment to which the Senator objects. It does not in the least interfere with that.

Mr. STONE. I have no objection to that, I think.

Mr. NELSON. I offer that amendment, then, Mr. President. The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Minnesota to the fact that there are certain other amendments on page 51 that have not yet been considered. Does the Senator desire that they shall be passed over?

Mr. NELSON. I do not think the Senator from Missouri has any objection to the amendments on page 51.

Mr. STONE. I think I have none.

Mr. NELSON. I know the amendment to which the Senator objects, and I do not want to take it up to-night. I want to give him full opportunity to discuss it to-morrow.

Mr. KENYON. Mr. President, I think I am interested in the same proposition as the Senator from Missouri. Our objection is to the amendment beginning on page 52, line 5.

Mr. NELSON. I think there is no objection to anything that precedes that, but I am anxious to go through the bill and leave that until to-morrow.

Mr. BURTON. If that section goes over, I must ask also that the amendment on page 53 go over.

The PRESIDENT pro tempore. The amendment in line 16, page 51, will be stated.

The next amendment of the Committee on Commerce was in the item of appropriation for improving Mississippi River from Head of Passes to the mouth of the Ohio River, on page 51, line 15, after the word "improvement" to insert: "Together with the mouth of the Yazoo River and harbor at Vicksburg, Miss., which, with any unexpended balance, are hereby transferred to, and placed under the control and jurisdiction of, such commission, may," so as to read:

*Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, together with the mouth of the Yazoo River and harbor at Vicksburg, Miss., which, with any unexpended balance, are hereby transferred to, and placed under the control and jurisdiction of such commission, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated.

Mr. NELSON. On page 51, line 19, the word "may" is printed in italics. It should be in roman.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment will be made.

The amendment as amended was agreed to.

Mr. STONE. I do not exactly understand that.

Mr. NELSON. The word "may" is printed in italics. It should be in roman, because it is not a part of the amendment; that is all. The word is still left in.

Mr. STONE. I do not care about that.

The next amendment was, on page 51, line 23, after the word "appropriated," to insert the following additional proviso:

*Provided further*, That of the amount herein appropriated, \$100,000, or such sum as may be necessary, shall be expended for retvetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point and for promoting the interest of navigation.

The amendment was agreed to.

Mr. NELSON. I offer the following amendment, to come in at the end of the amendment just agreed to.

The SECRETARY. On page 52, line 4, after the word "navigation" and before the period, insert a colon and the following:

*Provided further*, That of the amount herein appropriated, \$250,000, or such sum as may be necessary, shall be expended for retvetting, leveeing, and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of preventing damage by floods and promoting the interest of navigation.

Mr. PERCY. I ask that this amendment be allowed to go over with the others.

Mr. NELSON. Certainly. I shall ask that that part of the bill go over from the end of the amendment just adopted to the bottom of the page.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Minnesota to the fact that the amendment he submitted has not been adopted and the Chair understood the Senator from Mississippi to ask that it should go over.

Mr. PERCY. That is correct.

Mr. NELSON. Which amendment?

Mr. PERCY. The appropriation of \$250,000 for the river at Memphis.

Mr. NELSON. Does the Senator object to that amendment?

Mr. PERCY. I object to that amendment.

Mr. NELSON. The amendment in reference to the river at Memphis?

Mr. PERCY. It is the amendment taking \$250,000 out of the \$6,000,000 appropriation. It was not before the committee and I do not know whether it is subject to a point of order or not. If it is I make the point of order.

Mr. BURTON. I ask the Senator from Minnesota to allow that amendment to go over. I should like to examine it somewhat.

Mr. NELSON. Very well.

Mr. BURTON. As I understand the proposition made to the committee was that the locality should contribute half the amount while the amendment as read contains no such provision.

Mr. NELSON. Very well, let it go over.

The next amendment of the Committee on Commerce was, on page 52, after line 4, to strike out:

Any funds which have been, or may hereafter be, appropriated by Congress for improving the Mississippi River between the Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between the Head of Passes and Rock Island, Ill.

Mr. NELSON. This amendment will be passed over.

The PRESIDENT pro tempore. It will be passed over.

Mr. NELSON. And all the balance on page 52.

Mr. KENYON. I ask to have the amendment on pages 53 and 54 passed over, down to line 5 on page 55.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The reading will be continued on page 55, line 5.

The Secretary resumed the reading of the bill at line 5, page 55.

The next amendment was, on page 55, line 10, after "\$150,000," to strike out "of which amount at least \$75,000 may be expended for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interests of navigation"; in line 16, after the word "session," to strike out "\$150,000"; in all, \$300,000 and insert "\$175,000, of which amount, because of present emergency, an amount not exceeding \$75,000 may be expended for such bank revetment above Elk Point as in the judgment of the Chief of Engineers may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation; in all, \$325,000," so as to make the clause read:

Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, \$150,000; continuing improvement and for maintenance from Sioux City to Fort Benton, in accordance with the report submitted in House Document No. 91, Sixty-second Congress, first session, \$175,000, of which amount, because of present emergency, an amount not exceeding \$75,000 may be expended for such bank revetment above Elk Point as in the judgment of the Chief of Engineers may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation; in all, \$325,000.

Mr. STONE. I ask that the paragraph from line 9 to line 23, on page 55, may go over.

Mr. NELSON. I ask to go back to line 24 on page 54. The objection of the Senator from Iowa did not extend to that provision.

Mr. KENYON. I withdraw the objection.

Mr. NEWLANDS. Mr. President, if I am not interrupting Senators, I wish to ask the Senator from Minnesota as to whether we are now considering simply committee amendments?

Mr. NELSON. We are still considering committee amendments.

Mr. NEWLANDS. And there will be an opportunity to-morrow to offer other amendments?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I wish to say that to-morrow I shall address myself to the amendment which I offered regarding a general provision for river regulation by the aid of a river-regulation board.

Mr. STONE. Does the Senator from Minnesota consent to let the provision from line 9 to line 23, on page 55, relating to the Missouri River, go over until to-morrow?

Mr. NELSON. Yes; all the provisions about the Missouri River are to go over. The whole paragraph can go over for improving the Missouri River, beginning with line 9 on page 55.

The PRESIDENT pro tempore. The amendment will be passed over.

Mr. NELSON. I ask that the amendment commencing on line 24, page 54, be taken up.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 54, after line 23, insert:

Improving the Mississippi River between Winnibigoshish and Pokegama Reservoirs, and the Leech River from its mouth to Leech Lake Dam, Minn., in accordance with the report submitted in House Document No. 1223, Sixty-second Congress, third session, \$116,000.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading will be continued at line 24, on page 55.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Commerce was, on page 56, line 18, after "\$35,000," to insert "completing improvement in accordance with plan No. 3 in report submitted in House Document No. 1309, Sixty-second Congress, third session, \$388,637; in all, \$423,637," so as to make the clause read:

Improving harbor at San Diego, Cal.: For maintenance, \$35,000; completing improvement in accordance with plan No. 3 in report submitted in House Document No. 1309, Sixty-second Congress, third session, \$388,637; in all, \$423,637.

The amendment was agreed to.

The next amendment was, on page 58, line 13, after the word "Congress," to insert "and the Secretary of War is authorized and directed to use any moneys that may be placed at his disposal by the authorities at Coos Bay for the improvement of the harbor at Coos Bay in widening and deepening the channels in accordance with the project heretofore adopted by Congress, and he is also authorized to use any Government plant available in connection therewith," so as to make the clause read:

Improving harbor at Coos Bay, Oreg.: For maintenance of the completed channels in Coos Bay and equipping and operating the bar dredge heretofore authorized, \$80,000. And the Secretary of War is authorized and directed to use any additional moneys that may be placed at his disposal by the Port of Coos Bay, or by any other organization or by individuals for the improvement of the inner harbor of Coos Bay, and the said Secretary is also authorized, in his discretion, to use any Government plant available in connection therewith at such times as it may not be needed and employed on other work authorized by Congress; and the Secretary of War is authorized and directed to use any moneys that may be placed at his disposal by the authorities at Coos Bay for the improvement of the harbor at Coos Bay in widening and deepening the channels in accordance with the project heretofore adopted by Congress, and he is also authorized to use any Government plant available in connection therewith.

The amendment was agreed to.

The next amendment was, at the top of page 59, to insert:

Improving Tillamook Bay and Bar, Oreg., in accordance with the report submitted in House Document No. 349, Sixty-second Congress, second session, and subject to the conditions set forth in said document, \$100,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, not exceeding in the aggregate \$614,000, exclusive of the amount herein and heretofore appropriated, to be paid for, to an amount not exceeding \$207,000, from appropriations which may from time to time be made by law, and to a further amount not exceeding \$407,000 from funds to be furnished by local interests; the total expenditure from funds of the United States and from those of local interests to be equal in amount: *Provided further*, That no part of the appropriations herein and heretofore made shall be available for expenditure and no contract shall be entered into under the foregoing authorization until the Secretary of War shall be satisfied that said local interests have made provisions for furnishing the whole of said sum of \$407,000 and have placed the same to his credit and subject to his order in a bank to be designated by him.

The amendment was agreed to.

The next amendment was, on page 60, line 5, after the words "Oregon City," to strike out "\$30,000" and insert "\$40,000, of which amount an amount not exceeding \$10,000 may be expended in construction of a revetment near Independence, Oreg., if in the judgment of the Chief of Engineers the same is necessary in the interest of navigation," and, in line 13, after the words "in all," to strike out "\$42,000" and insert "\$52,000," so as to make the clause read:

Improving Willamette and Yamhill Rivers, Oreg.: For maintenance of improvement of Yamhill River and of Willamette River above Oregon City, \$40,000, of which amount an amount not exceeding \$10,000 may be expended in construction of a revetment near Independence, Oreg., if in the judgment of the Chief of Engineers the same is necessary in the interest of navigation; completing improvement of Willamette River from Portland to Oregon City in accordance with the report submitted in House Document No. 438, Sixty-second Congress, second session, \$12,000; in all, \$52,000.

The amendment was agreed to.

The next amendment was, on page 61, line 5, after the word "improvement," to strike out "\$600,000" and insert "\$1,200,000," so as to make the clause read:

Improving Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.: Continuing improvement, \$1,200,000.

The amendment was agreed to.

The next amendment was, on page 61, line 8, after the word "improvement," to strike out "\$40,000" and insert "\$60,000," so as to make the clause read:

Improving Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash.: Continuing improvement, \$60,000.

The amendment was agreed to.

The next amendment was, on page 61, line 10, after the word "improvement," to strike out "\$25,000" and insert "\$40,000," so as to make the clause read:

Improving Columbia River between Bridgeport and Kettle Falls, Wash.: Completing improvement, \$40,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 21, to insert: Valdez, Alaska: For the protection of the buildings and property of the United States at Valdez, Alaska, from glacial floods, \$55,000.

Mr. NELSON. I ask that this amendment be disagreed to. There is a similar provision in another bill. It is provided for in the Army appropriation bill.

The amendment was rejected.

The next amendment was, on page 63, after line 13, to insert:

For emergencies: To provide for the restoration of channels for river and harbor improvements, heretofore or hereafter established or improved by the Government, where, by reason of emergency, the usual depth of such channel or customary use of such improvement can not be maintained, and there is no sufficient fund available for such restoration, the existing balances of similar emergency appropriations under the acts of March 3, 1905, March 2, 1907, March 3, 1909, and June 25,

1910, shall be available for allotment and use by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge and by the Chief of Engineers, respectively: *Provided further*, That for no single channel or improvement shall a sum be allotted greater than \$10,000 per year per locality, nor shall any portion of such appropriation be allotted unless the same is necessary in the interest of navigation to protect and preserve the existing Government work.

The amendment was agreed to.

The next amendment was, on page 64, line 13, to insert as a new section the following:

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1913, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels, essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of \$100,000 or so much thereof as may be necessary, is hereby appropriated for such examination and report.

The amendment was agreed to.

The next amendment was, on page 65, line 11, to change the number of the section from "2" to "3."

The amendment was agreed to.

The next amendment was, on page 66, after line 7, to insert: Thomaston Harbor, Me., with a view to securing greater depth and width of basin.

The amendment was agreed to.

The next amendment was, on page 66, after line 19, to insert:

Harbor of Marion, Mass.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert: Salem Harbor, Mass., with a view to providing a channel 12 feet deep at mean low water from the outer harbor to the mouth of the South River.

The amendment was agreed to.

Mr. NELSON. I offer an amendment to come in at the end of the amendment just agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 66, after line 23, insert:

Lynn Harbor and the Saugus River, Mass., with a view to providing a channel 15 feet deep at mean low water from the mouth of the said Saugus River along the course of that river to the bridge at East Saugus.

The amendment was agreed to.

Mr. NELSON. I offer the following amendment to come in after the amendment just agreed to.

The SECRETARY. After the amendment just agreed to insert: Malden River, Mass., with a view to a modification of the project.

The amendment was agreed to.

The reading was continued to line 8 on page 67.

Mr. NELSON. I offer an amendment, to come in at the end of line 8 on page 67.

The SECRETARY. On page 67, after line 8, insert:

Johnsons Creek, Bridgeport, Conn.

The amendment was agreed to.

The next amendment was, on page 67, line 10, after the word "depth," to strike out "in the East Branch" and insert "and removal of obstructions to navigation," so as to make the clause read:

Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert: New York Harbor, N. Y., upper bay, with a view to improving channel opposite anchorage grounds.

The amendment was agreed to.

The next amendment was, on page 68, after line 5, to insert: Raccoon Creek, N. J., including the construction of a dike or jetty at the mouth if necessary.

The amendment was agreed to.

The next amendment was, on page 68, after line 12, to insert: Leipsic River, Del.

The amendment was agreed to.

The next amendment was, at the top of page 69, to insert: Blackwater River, Va., with a view to the removal of a shoal at the mouth.

The amendment was agreed to.

The next amendment was, on page 69, after line 2, to insert: Hampton Creek, Va., with a view to widening and deepening the channel.

The amendment was agreed to.

The next amendment was, on page 69, after line 10, to insert: Scotts Creek, Va.

The amendment was agreed to.

The next amendment was, on page 69, after line 11, to insert: Harbor at Saxis, Va.

The amendment was agreed to.

The next amendment was, on page 70, after line 11, to insert: Trent River, N. C., with a view to providing a depth of 12 feet from Newbern to Pollockville.

The amendment was agreed to.

The next amendment was, on page 70, after line 13, to insert: Thoroughfare Bay, N. C., from Core Sound to Cedar Bay near the mouth of Neuse River, Pamlico Sound.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 70.

Mr. NELSON. At the end of line 21 I move to insert:

Jeremy Creek, S. C., from Morrisons Wharf to Morrisons Bridge, with a view to providing a depth of 4 feet and a width of 60 feet.

The amendment was agreed to.

The next amendment was, on page 71, after line 14, to insert: Channel to East Pass from Apalachicola River by way of Crooked Channel with a view to providing suitable ship channel.

Mr. NELSON. I move to amend the amendment by inserting the word "Florida" after the word "River," in line 15.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, after line 17, to insert: Canal from St. Johns River to Lake Beresford with a view to making a cut-off from the river to Lake Beresford near De Land River landing.

Mr. NELSON. I move to amend the amendment by inserting the word "Florida" after the word "River," in line 18.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 72, after line 4, to insert: Key West, Fla.: For a harbor of refuge and for a safe anchorage for vessels of the Departments of the Navy, War, Treasury, Commerce and Labor, and Agriculture.

The amendment was agreed to.

The next amendment was, on page 72, after line 9, to insert: Mosquito Inlet, Fla., with a view to securing a channel with suitable depth and width from the Atlantic Ocean to a point at or near the town of New Smyrna.

The amendment was agreed to.

The next amendment was, on page 72, after line 12, to insert: Inland waterway from Wolf Bay to Mobile Bay, Ala.

Mr. NELSON. I move to amend the amendment of the committee by striking out the word "Wolf" and inserting the word "Pensacola," so as to read "Pensacola Bay to Mobile Bay."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 72, after line 19, to insert: Paint Rock River, Ala., for a distance of 12 miles above its mouth.

The amendment was agreed to.

The next amendment was, on page 73, after line 11, to insert: Licking River, Ky., with a view to the prevention of a cut-off at the town of Farmers, consideration being given to any tender of cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 73, after line 14, to insert: Ohio River above the dam at Louisville, Ky., with a view to such protection against overflow as may be necessary.

The amendment was agreed to.

The next amendment was, on page 73, after line 21, to insert: Grand River, Mich., from its mouth to Fulton Street Bridge, Grand Rapids, with a view to changing the existing project so as to insure a depth of 15 feet.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert: Black Lake Harbor, Mich., with a view to obtaining a uniform depth of 25 feet from Lake Michigan to the turning basin opposite the city of Holland.

The amendment was agreed to.

The reading of the bill was continued to line 5, on page 74. Mr. NELSON. I offer an amendment, to come in at the end of line 5, on page 74.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 74, after line 5, it is proposed to insert:

Keweenaw waterway, Portage Lake Ship Canal, Mich., with a view to making a cut-off at Princess Point.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 74, after line 9, to insert:

Pere Marquette River, Mich., from deep water in the harbor of Ludington, following the south branch of said river, to the State road and iron bridge, and thence to the city of Scottville, with a view to the deepening of the channel by dredging and other improvements.

The amendment was agreed to.

The next amendment was, on page 74, after line 14, to insert:

Port Huron Harbor, Mich., with a view to constructing some compensatory structure in the St. Clair River fronting the city of Port Huron, between the foot of Lake Huron and a point below the Grand Trunk tunnel, that the city of Port Huron may have a depth of water not less than 20 feet from the present dock line out to the thread of the stream.

The amendment was agreed to.

The next amendment was, on page 75, after line 11, to insert: Harbor of Minneapolis, Minn.

Mr. NELSON. I offer an amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 75, line 12, at the end of the committee amendment, it is proposed to strike out the period and to insert a comma and the words "with a view to increased harbor facilities, including a turning basin."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, at the top of page 76, to insert:

Berkeley Harbor, Cal., with a view to the development and completion of the Berkeley inner harbor.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

San Leandro Bay, Cal., with a view to establishing at West San Leandro a deep-water channel to San Francisco Bay.

The amendment was agreed to.

Mr. NELSON. To follow that amendment, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 76, after line 18, it is proposed to insert:

Mokelumne River at and between the junctions of the North and South Forks thereof, and the junction of the North Fork thereof with Snodgrass Slough, and the junctions of said North Fork of said river and said slough with the Sacramento River.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 76, after line 20, to insert:

Nehalem Bay and River, Oreg., including any plan for cooperation on the part of local interests.

The amendment was agreed to.

The next amendment was, on page 76, after line 22, to insert: Willapa Harbor and the bar entrance thereto.

The amendment was agreed to.

The next amendment was, on page 77, after line 1, to insert:

The Apoon Mouth of the Yukon River, Alaska, from the improvement now under way to deep water.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Chair will suggest that the committee amendments are not yet completed.

Mr. SMITH of Michigan. This is a committee amendment and meets an emergency to which my attention has been called by the following telegram.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 4, on page 42, it is proposed to insert:

Improving Clinton River, Mich., \$20,000.

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. President, in connection with the amendment I ask to have printed in the RECORD the telegram which I send to the desk.

The PRESIDENT pro tempore. In the absence of objection permission is granted.

The telegram referred to is as follows:

MOUNT CLEMENS, MICH., February 18, 1913.

HON. WILLIAM ALDEN SMITH,  
Washington, D. C.:

Business men's association at special meeting to-night urges you to present need of Clinton River. Dredging must be done immediately. Condition serious; must have liberal appropriation. Association represents 500 business men; all are concerned about the matter.

CHARLES S. FERRIS, President,  
CHARLES W. WARD, Secretary.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 82, after line 7, to insert as a new section the following:

SEC. 9. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States upon joint work of public improvement of rivers and harbors and private land reclamation, whenever such joint work and expenditure may be considered by the Chief of Engineers as advantageous to the joint interests concerned and not disadvantageous to the United States interests of navigation.

The amendment was agreed to.

The next amendment was, on page 82, after line 16, to insert as a new section the following:

SEC. 10. That the Secretary of War is hereby authorized, in his discretion, to rent Government dredges to private parties for use in the dredging of waterways under improvement by the General Government, or to agree with private parties for the deposit upon their land of the material dredged from waterways under improvement by the General Government, for a consideration mutually agreed upon, whenever in the opinion of the Chief of Engineers a combination of Government work and private work along the banks of such waterways appears desirable and will be to the advantage of the joint work and not disadvantageous to the United States interests of navigation; and the proceeds of such rentals or agreements may be deposited to the credit of the appropriation or appropriations for the improvement of the waterways affected and may be used in payment for additional work of improvement on such waterways.

The amendment was agreed to.

The next amendment was, on page 83, line 8, to change the number of the section from "8" to "11"; in line 11, before the word "low," to insert "lower"; in line 14, before the word "specified," to strike out "widths" and insert "dimensions"; and in line 15, after the word "increase," to strike out "in width," so as to make the section read:

SEC. 11. That unless otherwise expressed, the channel depths referred to in this and subsequent river and harbor acts shall be understood to signify the depth at mean lower low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels; and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

The amendment was agreed to.

The next amendment was, on page 84, after line 12, to insert as a new section the following:

SEC. 14. That the Secretary of Commerce and Labor is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in improved harbors and bays of the United States, except as otherwise provided by law, wherever maritime and commercial interests shall request action by, and show to the satisfaction of said Secretary that such anchorage grounds are required for safe navigation, and to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforcement of such rules and regulations. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of \$100; and the said vessel may be held for the payment of such penalty and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Commerce and Labor.

The reading of the bill was concluded.

Mr. JONES. I offer an amendment, to come in on page 76, after line 25.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment, which will be stated.

The SECRETARY. On page 76, after line 25, it is proposed to insert:

Lake River, including Bachelors Slough, Wash.

The amendment was agreed to.

Mr. NELSON. Mr. President, I ask now to have the bill laid aside until to-morrow, as I understand the Senator from Massachusetts [Mr. LODGE] desires a short executive session. I give notice that I shall call up the bill to-morrow immediately after the routine morning business.

The PRESIDENT pro tempore. The bill will be laid aside.

#### EXECUTIVE SESSION.

Mr. LODGE. Solely for the purpose of disposing of two treaties reported by the Committee on Foreign Relations, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 20, 1913, at 12 o'clock meridian.

#### NOMINATIONS.

Executive nominations received by the Senate February 19, 1913.

#### CONSULS GENERAL.

Charles Jonathan Arnell, of Washington, now Japanese secretary and interpreter to the embassy to Japan, to be consul

general of the United States of America at Mukden, China, vice Fred D. Fisher, nominated to be consul at Santiago de Cuba.

Leo Allen Bergholz, of New York, now consul at Kingston, Jamaica, to be consul general of the United States of America at Winnipeg, Manitoba, Canada, vice John Edward Jones, nominated to be consul general at Genoa.

William Coffin, of Kentucky, now consul at Jerusalem, to be consul general of the United States of America at Budapest, Hungary, vice Paul Nash, deceased.

Alphonse Gaulin, of Rhode Island, now consul general at Marseille, to be consul general of the United States of America at Calcutta, India, vice William H. Michael, resigned.

Frederic W. Goding, of Illinois, now consul at Montevideo, to be consul general of the United States of America at Guayaquil, Ecuador, vice Herman R. Dietrich, resigned.

Ross E. Holaday, of Ohio, now consul at Santiago de Cuba, to be consul general of the United States of America at Cape Town, Cape of Good Hope, vice Richard Guenther, resigned.

John Edward Jones, of the District of Columbia, now consul general at Winnipeg, to be consul general of the United States of America at Genoa, Italy, vice James A. Smith, nominated to be consul general at Marseille.

James A. Smith, of Vermont, now consul general at Genoa, to be consul general of the United States of America at Marseille, France, vice Alphonse Gaulin, nominated to be consul general at Calcutta.

#### CONSULS.

Joseph I. Brittain, of Ohio, now consul at Prague, to be consul of the United States of America at Kingston, Jamaica, vice Leo Allen Bergholz, nominated to be consul general at Winnipeg.

Ralph C. Busser, of Pennsylvania, now consul at Erfurt, to be consul of the United States of America at Trieste, Austria, vice Ralph J. Totten, nominated to be consul at Montevideo.

Homer M. Byington, of Connecticut, now consul at Bristol, to be consul of the United States of America at Leeds, England, vice Benjamin F. Chase, nominated to be consul at Leghorn.

Benjamin F. Chase, of Pennsylvania, now consul at Leeds, to be consul of the United States of America at Leghorn, Italy, vice Frank Deedmeyer, nominated to be consul at Prague.

Frank Deedmeyer, of Alabama, now consul at Leghorn, to be consul of the United States of America at Prague, Austria, vice Joseph I. Brittain, nominated to be consul at Kingston, Jamaica.

Fred D. Fisher, of Oregon, now consul general at Mukden, to be consul of the United States of America at Santiago de Cuba, Cuba, vice Ross E. Holaday, nominated to be consul general at Cape Town.

James H. Goodier, of New York, to be consul of the United States of America at Tahiti, Society Islands, vice North Winship, nominated to be consul at Jerusalem.

Wilbur T. Gracey, of California, now consul at Progreso, to be consul of the United States of America at Guadalajara, Mexico, vice Samuel E. Magill, deceased.

Ralph J. Totten, of Tennessee, now consul at Trieste, to be consul of the United States of America at Montevideo, Uruguay, vice Frederic W. Goding, nominated to be consul general at Guayaquil.

Roger Culver Tredwell, of Indiana, now a consular assistant, to be consul of the United States of America at Erfurt, Germany, vice Ralph C. Busser, nominated to be consul at Trieste.

North Winship, of Georgia, now consul at Tahiti, to be consul of the United States of America at Jerusalem, Turkey, vice William Coffin, nominated to be consul general at Budapest.

#### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Engineer Gustavus Richard O'Connor to be third lieutenant of engineers in the Revenue-Cutter Service of the United States, to fill an original vacancy.

Cadet Engineer Walter Melchior Troll, to be third lieutenant of engineers in the Revenue-Cutter Service of the United States, to fill an original vacancy.

#### ASSISTANT APPRAISER OF MERCHANDISE.

John D. McEwen, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to fill an existing vacancy.

#### COLLECTOR OF INTERNAL REVENUE.

Louis Le Bourgeois, of Louisiana, to be collector of internal revenue for the district of Louisiana, in place of Walter Y. Kemper, resigned.

#### UNITED STATES CIRCUIT JUDGE.

Arthur L. Brown, of Rhode Island, to be United States circuit judge for the first judicial circuit, vice Le Baron B. Colt, resigned.

#### UNITED STATES DISTRICT JUDGES.

Charles C. Mumford, of Rhode Island, to be United States district judge for the district of Rhode Island, vice Arthur L. Brown, nominated to be circuit judge for the first judicial circuit.

Peter J. Hamilton, of Alabama, to be United States district judge, district of Porto Rico, vice Paul Charlton, resigned.

#### PROMOTION IN THE PUBLIC HEALTH SERVICE.

Surg. Stephen D. Brooks to be senior surgeon in the Public Health Service, United States, to rank as such from January 19, 1913, in place of Senior Surg. Frank W. Mead, deceased.

#### REGISTER OF THE LAND OFFICE.

Harold T. Hopkins, of Oregon, to be register of the land office at The Dalles, Oreg., vice Charles W. Moore, term expired.

#### APPOINTMENTS IN THE ARMY.

##### GENERAL OFFICERS.

Col. James Parker, Eleventh Cavalry, to be brigadier general, with rank from February 12, 1913, vice Brig. Gen. George S. Anderson, retired October 16, 1912.

Col. Hunter Liggett, Infantry, unassigned, to be brigadier general, with rank from February 12, 1913, vice Brig. Gen. Edward J. McClelland, retired December 29, 1912.

##### MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 11, 1913.

George Henry Buck, of Oregon; and  
Robert Henry Wilds, of South Carolina.

#### PROMOTIONS IN THE ARMY.

##### INFANTRY ARM.

Lieut. Col. Edwin P. Pendleton, Twenty-third Infantry, to be colonel from February 13, 1913. Under the provisions of an act of Congress approved March 3, 1911, the officer is herein named for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.

Second Lieut. Benjamin F. Castle, Twenty-ninth Infantry, to be first lieutenant from February 10, 1913, vice First Lieut. Louis B. Chandler, Twenty-fifth Infantry, resigned February 9, 1913.

#### PROMOTIONS IN THE NAVY.

Capt. William B. Caperton to be a rear admiral in the Navy from the 13th day of February, 1913, to fill a vacancy.

Acting Asst. Surg. William G. Townsend to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 7th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912.

Machinist August Schulze to be a chief machinist in the Navy from the 27th day of December, 1912, upon the completion of six years' service as a machinist.

Capt. Philip S. Brown to be a major in the Marine Corps from the 22d day of August, 1912, to fill a vacancy.

Thomas M. Luby, a citizen of New Jersey, to be a second lieutenant in the Marine Corps from the 15th day of February, 1913, to fill a vacancy.

Lieut. Commander John S. Doddridge to be a commander in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. John W. Schoenfeld to be a lieutenant commander in the Navy from the 1st day of February, 1913, to fill a vacancy.

Lieut. Clarence L. Arnold to be a lieutenant commander in the Navy from the 5th day of February, 1913, to fill a vacancy.

Lieut. (Junior Grade) Harold Jones to be a lieutenant in the Navy from the 10th day of December, 1912, to fill a vacancy.

Lieut. (Junior Grade) Albert S. Rees to be a lieutenant in the Navy from the 20th day of December, 1912, to fill a vacancy.

Lieut. (Junior Grade) Alexander Sharp, Jr., to be a lieutenant in the Navy from the 16th day of January, 1913, to fill a vacancy.

John Buckley, a citizen of Oregon, to be an assistant surgeon in the Navy from the 4th day of February, 1913, to fill a vacancy.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 5th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912:

George T. Vaughn, a citizen of Virginia, and  
Lloyd P. Shippen, a citizen of Maryland.

Ensign Charles L. Brand to be an assistant naval constructor in the Navy from the 5th day of February, 1913, to fill a vacancy.

Boatswain Harry N. Huxford to be a chief boatswain in the Navy from the 31st day of January, 1913, upon the completion of six years' service as a boatswain.

The following-named citizens to be second lieutenants in the Marine Corps from the 6th day of February, 1913, to fill vacancies:

Norman C. Bates, a citizen of California;  
Douglas B. Roben, a citizen of Michigan;  
Harry K. Pickett, a citizen of South Carolina;  
Maurice S. Berry, a citizen of Pennsylvania;  
Harold D. MacLachlan, United States Army;  
John B. Sebree, a citizen of California;  
Vincent E. Stack, a citizen of the District of Columbia; and  
Theodore A. Secor, a citizen of California.  
Samuel R. White, jr., a citizen of Maryland, to be an assistant paymaster in the Navy from the 5th day of February, 1913, to fill a vacancy.

Asst. Paymaster Omar D. Conger to be a passed assistant paymaster in the Navy from the 1st day of July, 1912, to fill a vacancy and to correct the date of rank as given in nomination recently submitted in his case.

Asst. Paymaster John H. Knapp to be a passed assistant paymaster in the Navy from the 22d day of August, 1912, to fill a vacancy and to correct the date of rank as given in nomination recently submitted in his case.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912:

John A. Tompkins, a citizen of Maryland;  
Albert E. Gallant, a citizen of New York.  
Samuel S. Adams, a citizen of the District of Columbia;  
William S. Thomas, a citizen of New York;  
David A. Heffernan, a citizen of Massachusetts; and  
Harold D. Meeker, a citizen of New York.

#### POSTMASTERS.

##### ALABAMA.

James A. Anderson to be postmaster at University, Ala. Office became presidential January 1, 1913.

May T. Fowler to be postmaster at Uniontown, Ala., in place of May T. Fowler. Incumbent's commission expired December 16, 1912.

A. W. Hawke to be postmaster at Samson, Ala., in place of A. W. Hawke. Incumbent's commission expired December 16, 1912.

Oscar C. Thigpen to be postmaster at Hurtsboro, Ala. Office became presidential October 1, 1912.

Hugh M. Wilson to be postmaster at Opelika, Ala., in place of Dallas B. Smith, deceased.

##### ARKANSAS.

Ben E. Allen to be postmaster at Beebe, Ark., in place of T. J. Camp, resigned.

A. J. Downing to be postmaster at Pocahontas, Ark., in place of Hiram L. Throgmorton, resigned.

##### CALIFORNIA.

Alfred Belieu to be postmaster at Watts, Cal. Office became presidential January 1, 1913.

Charles S. Martin to be postmaster at Sawtelle, Cal., in place of Walter Mundell, deceased.

Joseph Smith to be postmaster at Downey, Cal., in place of Joseph Smith. Incumbent's commission expired January 20, 1913.

Mrs. S. E. Stark to be postmaster at Loyalton, Cal., in place of William S. Collins. Incumbent's commission expired January 20, 1913.

Mary F. Stevenson to be postmaster at Imperial, Cal., in place of Horace E. Allatt. Incumbent's commission expired February 11, 1913.

##### CONNECTICUT.

Matthew E. McDonald to be postmaster at Simsbury, Conn., in place of George W. Fletcher, removed.

##### FLORIDA.

B. F. Gilbert to be postmaster at Zephyrhills, Fla. Office became presidential January 1, 1913.

John B. Leffingwell to be postmaster at Bradentown, Fla., in place of John B. Leffingwell. Incumbent's commission expires March 2, 1913.

Belle McKenzie to be postmaster at Panama City, Fla., in place of Belle Booth, name changed by marriage.

Lula Newton to be postmaster at Winter Garden, Fla. Office became presidential January 1, 1913.

Gilbert N. Sheppard to be postmaster at Blountstown, Fla. Office became presidential January 1, 1913.

##### GEORGIA.

Sarah J. Anthony to be postmaster at Shellman, Ga., in place of Sarah J. Anthony. Incumbent's commission expires March 3, 1913.

John R. Barclay to be postmaster at Rome, Ga., in place of John R. Barclay. Incumbent's commission expired January 27, 1913.

Willie W. Brown to be postmaster at Jonesboro, Ga. Office became presidential July 1, 1912.

Mary E. Hinton to be postmaster at Woodbury, Ga., in place of Mary E. Hinton. Incumbent's commission expired February 27, 1912.

John N. King to be postmaster at Rochelle, Ga., in place of John N. King. Incumbent's commission expires March 3, 1913.

John W. Kitchens to be postmaster at Fayetteville, Ga. Office became presidential January 1, 1912.

Walter M. Quinn to be postmaster at Whigham, Ga., in place of Walter M. Quinn. Incumbent's commission expired January 27, 1913.

Millard W. Rhodes to be postmaster at Louisville, Ga., in place of Lewis R. Farmer. Incumbent's commission expired January 27, 1913.

Gordon G. Ridgway to be postmaster at Royston, Ga., in place of Gordon G. Ridgway. Incumbent's commission expired February 27, 1912.

##### HAWAII.

Charles A. De Gew to be postmaster at Waialua, Hawaii, in place of Charles A. De Gew. Incumbent's commission expired February 18, 1913.

##### IDAHO.

Thomas Lane to be postmaster at Burke, Idaho, in place of Blanche S. Rowe, resigned.

##### ILLINOIS.

Henry A. Reither to be postmaster at Nashville, Ill., in place of Samuel A. Muller, deceased.

##### IOWA.

Olie H. Anderson to be postmaster at Wesley, Iowa, in place of Olie H. Anderson. Incumbent's commission expired January 11, 1913.

R. L. Bordner to be postmaster at Jesup, Iowa, in place of John C. Felts, removed.

Hays H. McElroy to be postmaster at Vinton, Iowa, in place of Hays H. McElroy. Incumbent's commission expired January 14, 1913.

John Maxwell to be postmaster at Grand Junction, Iowa, in place of Stephen C. Maynard. Incumbent's commission expired December 13, 1909.

Philip M. Mosher to be postmaster at Riceville, Iowa, in place of Philip M. Mosher. Incumbent's commission expired January 26, 1913.

Walter E. Newsome to be postmaster at Sabula, Iowa, in place of Walter E. Newsome. Incumbent's commission expired January 31, 1912.

Henry B. Nies to be postmaster at Marble Rock, Iowa. Office became presidential January 1, 1913.

George H. Otis to be postmaster at Monona, Iowa, in place of George H. Otis. Incumbent's commission expired January 28, 1912.

William M. Ricke to be postmaster at Breda, Iowa. Office became presidential January 1, 1913.

John C. Roberts to be postmaster at Hiteman, Iowa, in place of John C. Roberts. Incumbent's commission expires February 20, 1913.

Roscoe C. Saunders to be postmaster at Manilla, Iowa, in place of Roscoe C. Saunders. Incumbent's commission expired January 26, 1913.

W. A. Simpkins to be postmaster at Britt, Iowa, in place of W. A. Simpkins. Incumbent's commission expires February 20, 1913.

##### KANSAS.

Emma E. Cochran to be postmaster at Pratt, Kans., in place of John K. Cochran, deceased.

James Hall, jr., to be postmaster at Miltonvale, Kans., in place of James Hall, jr. Incumbent's commission expired January 12, 1913.

##### LOUISIANA.

J. Philippe Breda to be postmaster at Natchitoches, La., in place of J. Ernest Breda, deceased.

Ernest Morgan to be postmaster at New Roads, La., in place of Ernest Morgan. Incumbent's commission expires March 2, 1913.

##### MASSACHUSETTS.

George L. Fish to be postmaster at Wayland, Mass. Office became presidential July 1, 1912.

Harrison V. Hall to be postmaster at Wrentham, Mass., in place of Harrison V. Hall. Incumbent's commission expired December 14, 1912.

W. Irving Kelsey to be postmaster at West Medway, Mass., in place of Daniel S. Woodman, deceased.  
Leonard A. Saville to be postmaster at Lexington, Mass., in place of Leonard A. Saville. Incumbent's commission expired February 9, 1913.

## MICHIGAN.

Oliver D. Carson to be postmaster at Galesburg, Mich., in place of Oliver D. Carson. Incumbent's commission expired January 12, 1913.  
George Holland to be postmaster at Sheridan, Mich. Office became presidential January 1, 1913.  
George L. Worthington to be postmaster at Brooklyn, Mich., in place of George L. Worthington. Incumbent's commission expired January 11, 1913.

## MINNESOTA.

John Atz to be postmaster at Hancock, Minn., in place of John Atz. Incumbent's commission expired April 22, 1912.  
Lewiss Ellington to be postmaster at Crookston, Minn., in place of Elias Steenerson. Incumbent's commission expired January 14, 1913.  
Ole C. Reiquam to be postmaster at Belgrade, Minn., in place of Ole C. Reiquam. Incumbent's commission expired January 22, 1913.

## MISSISSIPPI.

Oliver Benton Quin, jr., to be postmaster at McComb, Miss., in place of Seth W. Collins, removed.  
E. C. Schilling to be postmaster at Magnolia, Miss., in place of Alfred T. Leggett, resigned.

## MISSOURI.

Warren T. Myers to be postmaster at Warsaw, Mo., in place of Warren T. Myers. Incumbent's commission expired January 14, 1913.

## MONTANA.

George S. Haynes to be postmaster at Judith Gap, Mont. Office became presidential October 1, 1912.

## NEW JERSEY.

George W. Branin to be postmaster at Millville, N. J., in place of George W. Branin. Incumbent's commission expired December 10, 1911.  
Charles Morgenweck to be postmaster at Egg Harbor City, N. J., in place of Charles Morgenweck. Incumbent's commission expired January 26, 1913.  
John H. Schilcox to be postmaster at Keasbey, N. J. Office became presidential January 1, 1913.  
Nicholas J. Schweitzer to be postmaster at Cliffside, N. J. Office became presidential April 1, 1912.  
Arthur F. Stecher to be postmaster at Riverside, N. J., in place of Arthur F. Stecher. Incumbent's commission expired December 16, 1912.  
John Potter Winans, jr., to be postmaster at Linden, N. J. Office became presidential January 1, 1913.

## NEW YORK.

Charles W. Clark to be postmaster at Oriskany Falls, N. Y., in place of Charles W. Clark. Incumbent's commission expired January 29, 1913.  
John M. Gilmour to be postmaster at Morristown, N. Y., in place of John M. Gilmour. Incumbent's commission expired January 11, 1913.  
Herbert J. Rouse to be postmaster at Cazenovia, N. Y., in place of Herbert J. Rouse. Incumbent's commission expired January 29, 1913.  
Phil S. Spaulding to be postmaster at Whitesboro, N. Y., in place of Phil S. Spaulding. Incumbent's commission expired February 9, 1913.

## NORTH CAROLINA.

Edward W. Timberlake to be postmaster at Wake Forest, N. C., in place of Edward W. Timberlake. Incumbent's commission expired May 20, 1912.

## NORTH DAKOTA.

Albert E. Hurst to be postmaster at Rolette, N. Dak., in place of Albert E. Hurst. Incumbent's commission expires March 1, 1913.  
C. A. Jordan to be postmaster at Cogswell, N. Dak., in place of John K. Soule. Incumbent's commission expires March 1, 1913.  
E. M. Patton to be postmaster at Casselton, N. Dak., in place of Anna Callahan. Incumbent's commission expires February 20, 1913.

## OHIO.

John C. Burrow to be postmaster at Cortland, Ohio, in place of John C. Burrow. Incumbent's commission expired January 21, 1913.

Gomer C. Davis to be postmaster at Shawnee, Ohio, in place of Gomer C. Davis. Incumbent's commission expired January 27, 1913.

Herman C. Glander to be postmaster at West Alexandria, Ohio, in place of Herman C. Glander. Incumbent's commission expired January 21, 1913.

Allen F. Hoffman to be postmaster at Kenmore, Ohio. Office became presidential January 1, 1913.

Lee G. Pennock to be postmaster at Urbana, Ohio, in place of Lee G. Pennock. Incumbent's commission expired January 26, 1913.

Granville W. Springer to be postmaster at Crooksville, Ohio, in place of Granville W. Springer. Incumbent's commission expired January 27, 1913.

Homer Sutterfield to be postmaster at West Union, Ohio, in place of Charles E. Frame. Incumbent's commission expires February 24, 1913.

## OKLAHOMA.

William T. Barrett to be postmaster at Carmen, Okla., in place of William T. Barrett. Incumbent's commission expired January 14, 1913.

Harry S. Ferbrache to be postmaster at Stigler, Okla., in place of James F. Long, resigned.

E. R. Hughes to be postmaster at Elk City, Okla., in place of F. E. Nichols. Incumbent's commission expired April 28, 1912.

George W. Mellish to be postmaster at Comanche, Okla., in place of George W. Mellish. Incumbent's commission expires March 1, 1913.

## OREGON.

Arunah Longwell to be postmaster at Echo, Oreg., in place of E. R. Ware, resigned.

## PENNSYLVANIA.

Frank C. Fisher to be postmaster at Cheltenham, Pa. Office became presidential January 1, 1913.

George Fox to be postmaster at Altoona, Pa., in place of George Fox. Incumbent's commission expires March 2, 1913.

Charles H. Gulich to be postmaster at Phillipsburg, Pa., in place of John Gowland. Incumbent's commission expired January 12, 1913.

Alexander H. Ingram to be postmaster at Oxford, Pa., in place of Alexander H. Ingram. Incumbent's commission expired January 29, 1913.

Rollo McCray to be postmaster at Waterford, Pa., in place of Frank A. Howe. Incumbent's commission expired January 13, 1913.

Cassius M. McLaughlin to be postmaster at Unity Station, Pa. Office became presidential January 1, 1913.

William Menzie to be postmaster at Dubois, Pa., in place of John B. Hess, deceased.

Walter W. Rhodes to be postmaster at Coudersport, Pa., in place of Martin Joerg, deceased.

Lewis D. Sell to be postmaster at Hanover, Pa., in place of Aaron Hostetter, deceased.

Frank A. Smith to be postmaster at Harrisburg, Pa., in place of Edward J. Stackpole. Incumbent's commission expired February 9, 1913.

## PORTO RICO.

Jose Carrera to be postmaster at Humacao, P. R., in place of Jose Carrera. Incumbent's commission expired February 11, 1913.

Ramon A. Rivera to be postmaster at Arecibo, P. R., in place of Ramon A. Rivera. Incumbent's commission expired February 11, 1913.

## SOUTH CAROLINA.

Allie J. Milling to be postmaster at Clinton, S. C., in place of John P. Little. Incumbent's commission expired February 9, 1913.

## SOUTH DAKOTA.

William P. Antrim to be postmaster at Montrose, S. Dak., in place of William P. Antrim. Incumbent's commission expired December 11, 1911.

Arthur B. Chubbuck to be postmaster at Ipswich, S. Dak., in place of Arthur B. Chubbuck. Incumbent's commission expires March 1, 1913.

Orator H. La Craft to be postmaster at Clark, S. Dak., in place of Orator H. La Craft. Incumbent's commission expires March 1, 1913.

William McBurney to be postmaster at Tyndall, S. Dak., in place of Charles H. Stilwell. Incumbent's commission expired May 2, 1912.

Philip Schamber to be postmaster at Eureka, S. Dak., in place of Philip Schamber. Incumbent's commission expired February 10, 1913.

Allen H. Sperry to be postmaster at Mellette, S. Dak., in place of Arthur W. Jeffries, resigned.

## TEXAS.

Hugh E. Exum to be postmaster at Shamrock, Tex., in place of Hugh E. Exum. Incumbent's commission expires March 1, 1913.

John C. McBride to be postmaster at Woodville, Tex., in place of John C. McBride. Incumbent's commission expires March 1, 1913.

## VERMONT.

Alma Hammond Ayer to be postmaster at Richford, Vt., in place of Alma Hammond Ayer. Incumbent's commission expires February 24, 1913.

Otto R. Bennett to be postmaster at Manchester, Vt., in place of David K. Simonds. Incumbent's commission expired January 11, 1913.

Edward C. Woodworth to be postmaster at Arlington, Vt., in place of Edward C. Woodworth. Incumbent's commission expired January 22, 1913.

## VIRGINIA.

E. T. Elser to be postmaster at Wise, Va., in place of E. T. Elser. Incumbent's commission expires February 20, 1913.

Joseph E. Rangeley to be postmaster at Stuart, Va., in place of Joseph E. Rangeley. Incumbent's commission expires March 2, 1913.

## WISCONSIN.

Ole K. Anderson to be postmaster at Superior, Wis., in place of Ole K. Anderson. Incumbent's commission expired January 16, 1910.

John G. Burman to be postmaster at Amery, Wis., in place of John G. Burman. Incumbent's commission expired February 9, 1913.

Frank H. Colburn to be postmaster at Shiocton, Wis. Office became presidential January 1, 1913.

Fred P. Harmon to be postmaster at Belleville, Wis., in place of Fred P. Harmon. Incumbent's commission expires March 1, 1913.

Arthur W. Koch to be postmaster at Kewaskum, Wis., in place of August G. Koch. Incumbent's commission expired December 11, 1911.

Frank P. Kottke to be postmaster at Johnson Creek, Wis., in place of W. H. Schallert. Incumbent's commission expires March 3, 1913.

George B. Parkhill to be postmaster at Thorp, Wis., in place of George B. Parkhill. Incumbent's commission expired February 9, 1913.

Frank O. Perry to be postmaster at Shawano, Wis., in place of Frank O. Perry. Incumbent's commission expires March 2, 1913.

## WYOMING.

Roy Shaver to be postmaster at Greybull, Wyo. Office became presidential January 1, 1913.

## WITHDRAWAL.

*Executive nomination withdrawn from the Senate February 19, 1913.*

## POSTMASTER.

Anna Callahan to be postmaster at Casselton, in the State of North Dakota.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 19, 1913.

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, Father of all souls, whose blessings are beyond compare and outnumber the sands of the sea, the stars that reflect Thy glory in the heavens, help us to express our appreciation and gratitude for Thy loving kindness by living to the high watermark of Christian manhood day by day; that we may be, indeed, faithful citizens of the kingdom of heaven on earth, assured if we live well now we shall be prepared to live well then, when we shall have joined the innumerable throng beyond the confines of earth.

E'en though it be a cross  
That raiseth me,  
Still all my song shall be,  
Nearer, my God, to Thee,  
Nearer to Thee.

Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate having proceeded, in pursuance of the Constitution, to reconsider the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives with the message of the President:

*Resolved*, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8357. An act for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; and

S. 8384. An act to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 42.

*Resolved by the Senate (the House of Representatives concurring)*, That the inaugural committee in charge of the reviewing stands upon Lafayette Square is hereby directed to set aside for the use of the press, the distribution to be under the direction of the standing committee of correspondents, 250 seats directly opposite the stand in which the President will review the inaugural parade, the seats to be sold at the prices prevailing in other portions of the same stand.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank, in section 14, Mountrail County, N. Dak., to a point on the west bank of said river, in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank, in section 15, to a point on the west bank, in section 16, township 151 north, range 104 west of the fifth principal meridian, in McKenzie County, N. Dak.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate (S. Con. Res. 34) to print 30,000 copies of the Judicial Code of the United States.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8357. An act for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

S. 8384. An act to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

## AMERICAN ACADEMY OF ARTS AND LETTERS.

Mr. TOWNSEND. Mr. Speaker, I ask to have—

Mr. BURNETT. Mr. Speaker, I make the point of no quorum.

THE SPEAKER. The Chair wishes the gentleman from Alabama would withhold that request for a few minutes.

Mr. BURNETT. I withdraw the point, Mr. Speaker.

Mr. TOWNSEND. Mr. Speaker, I ask to have taken from the Speaker's table the bill (S. 4356) incorporating the American Academy of Arts and Letters, a similar bill being reported by the House committee and now on the calendar.